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Twenty-fifth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1794 (2007), by which the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) was extended until 31 December 2008. The Council also requested me to submit by 31 March a report on the situation in the Democratic Republic of the Congo, including on how MONUC could further support the Armed Forces of the Democratic Republic of the Congo (FARDC) or take other measures in dealing with illegal foreign and Congolese armed groups; on efforts to prevent and respond to sexual violence; and on the further development of the benchmarks outlined in my report of 14 November 2007 (S/2007/671). The report also outlines major developments in the Democratic Republic of the Congo from 31 October 2007 to 24 March 2008.

II. Major developments

A. Eastern Democratic Republic of the Congo

2. Important steps were taken during the reporting period to address the overall deteriorating situation in the Kivus. These steps constituted progress towards achieving the benchmarks outlined in my previous report regarding the elimination of the threat posed by national and foreign armed groups to the eastern part of the Democratic Republic of the Congo and neighbouring countries, and the stabilization of sensitive areas, particularly in the eastern part.

3. Late in 2007, clashes intensified in North Kivu between FARDC and the politico-military group led by dissident Laurent Nkunda, the Congrès national pour la défense du peuple (CNDP). Various armed groups, including Mayi-Mayi and the Democratic Forces for the Liberation of Rwanda (FDLR), also engaged in fighting. In the latter half of 2007, the Government carried out a major build-up of FARDC troops in the region in response to Nkunda's repeated refusal to send troops under his command into *brassage* or disarmament, demobilization and reintegration. Early in December, following an attack by CNDP forces, Government troops began a major offensive against Nkunda's forces. Despite initial successes, FARDC

operations aimed at neutralizing Nkunda's forces failed to achieve their objectives. Between 10 and 13 December, FARDC lost all the terrain gained from CNDP. The failure of the offensive also resulted in the collapse of two FARDC integrated brigades.

4. In order to address the escalating crisis, the Government announced its intention to organize the long-awaited Conference on Peace, Security and Development in the Kivus. With the active engagement of and support from MONUC and international partners, the conference was held in Goma from 6 to 25 January. In all, 1,250 delegates attended, including representatives of Congolese armed groups, local communities, local authorities, political parties and civil society. The work of the conference was conducted in two seminars, one for North Kivu and one for South Kivu. At each seminar four committees were set up to consider issues relating to peace, security, social and humanitarian affairs and development.

5. The main objective of the conference was to create a space where representatives of the communities and armed groups could express grievances, share perceptions and fears and address the root causes of conflict in the region. The participants adopted a wide range of recommendations and commitments to resolve the main problems facing the populations of the Kivus.

6. A key outcome of the conference was the adoption, on 23 January, of two statements of commitment for North and South Kivu. The statements were signed by all participating Congolese armed groups, including CNDP and Banyamulenge insurgents from South Kivu, represented by the Forces républicaines fédéralistes. International partners, including my Special Representative for the Democratic Republic of the Congo, Alan Doss, also signed as witnesses. The statements committed the armed groups to (a) accepting a ceasefire, to be monitored by MONUC; (b) agreeing that all militias should undergo disarmament, demobilization and reintegration or *brassage*; and (c) facilitating the return of refugees and internally displaced persons. The Government in turn committed itself to presenting to Parliament a measure renewing until January 2008 the amnesty law, which had expired in 2003, and extending it to cover recent acts of war and insurrection. The amnesty would not, however, apply to war crimes, crimes against humanity or genocide.

7. The statements of commitment did not address several key issues, including the timeline for disarming the armed groups and modalities for *brassage*. The signatories agreed to establish a joint technical commission on peace and security to address those issues and to monitor implementation. It was agreed that the commission would comprise representatives of the Government, the armed groups and international partners.

8. To support the work of the commission, an ad hoc ceasefire monitoring mechanism, chaired by MONUC, became operational on 10 February. As at 15 March, the mechanism had received 108 reports of violations, of which 64 had been verified, 30 had been confirmed as non-violations and 14 remained under investigation. Most violations were reported in North Kivu, involving FARDC, CNDP, the Coalition of Congolese Patriotic Resistance and Mayi-Mayi groups.

9. In February, President Kabila issued executive orders which established the framework for "Amani", the Government programme for the security, pacification,

stabilization and reconstruction of North and South Kivu, and appointed Abbé Malu Malu as its coordinator. The President chairs the Amani structure's Steering Committee and the National Coordination Office, the two strategic oversight bodies, and retains ultimate decision-making authority over the programme. Four technical commissions are envisaged under the National Coordination Office, including the joint technical commission on peace and security. Following discussions with the parties, the President issued additional executive orders on 24 March outlining the composition and structure of the Commission, which will be jointly chaired by the Government and the international facilitation.

10. Another significant development was the signing by the Governments of the Democratic Republic of the Congo and Rwanda of a joint communiqué in Nairobi on 9 November (see S/2007/679, annex). The communiqué — the result of diplomatic efforts facilitated by the United Nations and other international partners — acknowledged that illegal armed groups constituted a threat to both countries and to the region. It called for military and non-military actions to eliminate the threat of illegal armed groups in the eastern part of the Democratic Republic of the Congo, particularly the ex-Rwandan Armed Forces (ex-FAR) Interahamwe. The communiqué called for the voluntary disarmament and repatriation or temporary relocation of the ex-FAR/Interahamwe away from the border between the Democratic Republic of the Congo and Rwanda, as well as stricter border control and humanitarian and public information activities, to contribute to stability in the region. The two countries also pledged to refrain from arming, financing or otherwise supporting any armed groups.

11. In accordance with the communiqué, on 1 December, the Government of the Democratic Republic of the Congo submitted to the Government of Rwanda a detailed plan to disarm the ex-FAR/Interahamwe, including through the launching of military operations. As a first step, the Government of the Democratic Republic of the Congo has initiated sensitization efforts among the ex-FAR/Interahamwe to encourage voluntary repatriation. On 11 February, President Kabila issued a presidential decree creating a steering committee for the implementation of the Government's plan to eradicate foreign armed groups from the territory of the Democratic Republic of the Congo. For its part, pursuant to the communiqué, the Government of Rwanda has submitted to the Government of the Democratic Republic of the Congo a list of *génocidaires*.

12. A joint monitoring group composed of representatives of the Democratic Republic of the Congo, Rwanda and international partners was established and held its first meeting in Goma on 16 December. The group convenes at the level of special envoy, as well as at the operational task force level. The special envoys have met twice under the chairmanship of the United Nations during the reporting period. Chaired by MONUC, the task force meets weekly in Goma. The Mission also provides a secretariat for the task force.

13. The Democratic Republic of the Congo and Rwanda have also reactivated the joint verification mechanism which addresses allegations by both countries regarding violations of their territorial integrity and activities of armed groups in border areas.

14. The Nairobi communiqué has led to a renewed focus on disarmament, demobilization, reintegration and resettlement or repatriation, which is an important factor for achieving the benchmarks outlined in my previous report. MONUC is

assisting the Government of the Democratic Republic of the Congo in developing its implementation plan in this regard and supports the efforts of both the Democratic Republic of the Congo and Rwanda towards their common goal of repatriating or relocating the estimated 6,000 ex-FAR/Interahamwe elements in the Democratic Republic of the Congo. During the reporting period, the disarmament, demobilization, reintegration and resettlement or repatriation activities of MONUC were aimed at revitalizing existing sensitization capacity and at improving working relations with the Governments of the Democratic Republic of the Congo and Rwanda and with the Multi-Country Demobilization and Reintegration Programme. MONUC has relocated its disarmament, demobilization, repatriation, resettlement or reintegration section to Goma and is supporting the efforts of the Government of Democratic Republic of the Congo to sensitize the political and military leadership of the ex-FAR/Interahamwe. It has also undertaken numerous multilevel sensitization operations in close collaboration with the Multi-Country Demobilization and Reintegration Programme.

15. MONUC has significantly increased its military presence in the Kivus and expanded its coverage of operational areas in support of the Goma and Nairobi processes. By April 2008, MONUC military will have redeployed some 2,000 additional personnel to North Kivu and approximately 850 additional troops to South Kivu. MONUC has deployed mobile operating bases to expand its presence in areas where FDLR is undermining legitimate authority and exploiting both local populations and natural resources. While redeploying military assets from Ituri or other parts of the Democratic Republic of the Congo to the Kivus, MONUC is deeply conscious of the need to avoid creating security vacuums, which might jeopardize important progress towards peace and stability elsewhere in the country.

B. Bas-Congo

16. Since my previous report, the political and security situation in Bas-Congo has deteriorated sharply. Tensions in the province increased early in January, following clashes between the Congolese National Police and the Bundu Dia Kongo (BDK) politico-religious movement, which has challenged State authority throughout the province. BDK is calling for greater fiscal decentralization, regional autonomy and self-determination, while also reviving residual electoral disputes and demanding that the Government respect its right to cultural and religious freedoms. BDK has a record of threatening and attacking public officials, staging violent demonstrations and taking other provocative actions. The group has called for the holding of a conference on peace and development in Bas-Congo. The Government of the Democratic Republic of the Congo considers BDK to be seditious and believes that its activities are intended to undermine the Constitution. During a visit to Matadi on 27 February, my Special Representative urged local authorities and BDK to exercise restraint and work towards a peaceful resolution of the tensions.

17. On 28 February, the Government launched operations to restore State authority in the most sensitive areas in Bas-Congo. On the basis of the limited information available, it has been estimated that at least 50 BDK supporters in Luozi, north-east of Matadi, died in the ensuing clashes. In a cordon and search operation on 8 March, the Congolese National Police allegedly set fire to several BDK places of worship in Matadi and arrested leaders of the group.

18. On 2 March, MONUC dispatched a formed police unit together with an infantry company and several teams of military observers to assess the situation, protect civilians and cooperate with provincial authorities. MONUC also offered to carry out joint patrols with the Congolese National Police in order to ease tensions. The Mission office in Matadi is also working at the local level to monitor the situation and urge restraint and reconciliation.

19. From 10 to 14 March, MONUC and humanitarian partners carried out an assessment of humanitarian needs in the province. On 17 March, the Mission dispatched a multidisciplinary team to investigate the events and allegations of human rights violations. The team is to examine reports of disproportionate use of force by Congolese National Police and allegations of torture and summary executions.

C. Governance and decentralization

20. Progress towards institutional reform during the reporting period was slow and the Government has made little headway in implementing its programme for 2007-2011 or the governance contract. On 25 November, a Government reshuffle was announced. In an effort to improve efficiency and coordination, the Cabinet was reduced from 60 to 45 ministers and deputy ministers. Sixteen newly appointed Cabinet officials are members of the President's Alliance pour la majorité présidentielle and its allies, the Parti lumumbiste unifié and the Union des démocrates mobutistes.

21. Parliament pursued an ambitious legislative agenda during its regular and extraordinary sessions. Several key laws were adopted, including the politically sensitive law on the status of the political opposition. In addition, the National Assembly recently adopted draft laws on key issues such as decentralization and the establishment of the High Council of the Magistrature. The Senate is expected to review these bills during the regular session that began on 15 March, while the National Assembly will deliberate on the draft establishing the new National Independent Electoral Commission, the successor to the Independent Electoral Commission.

22. In the provinces, motions of no confidence adopted by provincial assemblies against members of provincial executives have hampered the work of assemblies in South Kivu, Orientale, Kasai Occidental, Equateur and Maniema provinces. The proliferation of such motions is a result of the contested gubernatorial elections of January 2007, which were marred by allegations of corruption. Several of the ousted governors were subsequently reinstated by judicial order, leading to further tensions among provincial institutions.

23. Little progress has been achieved in the decentralization process mandated by the Constitution. After months of intense debate, the National Assembly adopted bills defining the respective competencies of the national Government, the provinces and the decentralized territorial entities. These bills are subject to review by the Senate. No agreement has yet been reached on implementation of the Constitution's provisions regarding revenue-sharing between the national Government and the provinces. In September 2007, the Government declared its intention to implement revenue-sharing by 1 January. However, the recently adopted 2008 budget does not reflect this commitment. Government revenue therefore

continues to be controlled at the national level, limiting the control by the provinces of their own budgets and programmes.

24. Progress on the President's five declared priority areas of health; education; water and electricity; infrastructure; and employment has also been limited. On key governance issues, national stakeholders have expressed serious concern about the Government's lack of transparency regarding mining concessions and political appointments of senior administrators of public enterprises. The President's extensive reshuffle of the judicial branch, without consultation, was also criticized and led to a strike by judges in February.

25. Following the World Bank-Democratic Republic of the Congo Consultative Group meetings held in Paris in November 2007, the Government established thematic groups chaired at the ministerial level, bringing together the Government and international partners. The groups, which are aimed at promoting the implementation of the poverty reduction strategy paper and the Priority Action Programme and at ensuring follow-up to the Paris Declaration on Aid Effectiveness, are also intended to strengthen partnership between the Government and the international community on wider economic governance issues.

26. The economic situation deteriorated early in 2008. By the end of January, the Congolese franc had depreciated by 8 per cent, and the annual inflation rate had risen to nearly 16 per cent. The International Monetary Fund (IMF) is investigating the origin of the budgetary slippages, which are thought to be linked in part to military spending in the eastern part of the Democratic Republic of the Congo. However, IMF has also noted clear dysfunctions in the spending chain which contributed to extrabudgetary expenditure. Recent macroeconomic events in the Democratic Republic of the Congo could delay the completion of the debt-relief process.

III. Security environment

27. The overall security situation remained fragile. Kinshasa and other provinces witnessed a surge in violent crime, attributed in large part to unpaid demobilized former combatants and to military and police personnel. Rising inflation, which has had a negative impact on purchasing power throughout the country, may also have been a factor.

28. In Ituri, however, the security situation has improved following the third phase of the disarmament, demobilization and reintegration process, which targeted Forces de résistance patriotique d'Ituri (FRPI), Front des nationalistes et intégrationnistes (FNI) and Mouvement révolutionnaire congolais elements. The departure in November 2007 of Cobra Matata of FRPI, Peter Karim of FNI and Mathieu Ngudjolo was considered a milestone for the stability of Ituri.

29. However, FNI and FRPI splinter groups that refused to disarm continued to create insecurity, primarily in Djugu and Irumu territories. Political efforts to obtain their surrender, together with military pressure, have largely neutralized remnant FNI dissidents operating in Lalo and the Katanga forest areas. On 31 January, Konzinziko Chabaniekoli surrendered, which leaves only two dissident FNI leaders — "Majors" Freddy and Arith — at large, along very few combatants. FNI now poses a criminal, rather than a credible military threat.

30. MONUC and FARDC are continuing joint operations against FRPI, which is reportedly recruiting new combatants and being resupplied with weapons. FRPI still maintains an operational capacity that allows it to launch hit-and-run operations against FARDC. Clashes have halted returns of internally displaced persons in parts of Ituri, which, by the end of 2007 had registered the largest number of returns in the eastern part of the country. The fragile security situation poses a serious threat to the strengthening of community reintegration and recovery processes in some areas of Ituri.

31. The movement of CNDP and Mayi-Mayi combatants from North Kivu into the *brassage* centre in Kamina has complicated the security situation in Katanga, where delays in the disarmament, demobilization and reintegration process resulted in a violent clash in February that led to 37 casualties. Mayi-Mayi ex-combatants and armed groups from the Mitwaba, Pweto and Manono areas also continue to threaten security.

IV. Humanitarian situation

32. Since my previous report, the humanitarian situation in the Kivus has remained a source of serious concern. With a displaced population of some 800,000, North Kivu continued to have the highest concentration of internally displaced persons in the Democratic Republic of the Congo. The Goma process notwithstanding, insecurity persisted among internally displaced persons and local communities. As at 15 March, only tentative population returns had been observed. Forced recruitment by all armed groups signatories to the statements of commitment has deepened the sense of insecurity and led to additional displacements. A series of earthquakes in the region in February further aggravated the situation.

33. Host communities continued to face difficult conditions. Prolonged displacements exhausted traditional community coping mechanisms, outstripping food production. As a result, increased levels of household food insecurity and malnutrition are being registered in the Kivus. With a view to containing the deteriorating conditions, humanitarian organizations are intensifying their interventions with internally displaced persons and host communities. Despite proactive efforts by the Office for the Coordination of Humanitarian Affairs, in close collaboration with other humanitarian organizations and MONUC, access remains a major constraint to humanitarian operations. Armed escorts are required in many areas and military confrontations between national and foreign armed groups inhibit access to the most vulnerable communities. Harassment of humanitarian workers, particularly by armed gangs and militia, poses a serious threat. Widespread violations of international humanitarian law by all parties to the conflict remain a serious concern.

34. Beyond the Kivus, the overall humanitarian situation in the Democratic Republic of the Congo remained bleak. A greatly elevated mortality rate in 2007 rendered continued humanitarian assistance a priority. The 2008 Humanitarian Action Plan, which requires $575 million if it is to meet urgent humanitarian needs, has received a $38 million contribution from the Central Emergency Response Fund underfunded window for the accelerated implementation of core humanitarian programmes. Donors participating in the Democratic Republic of the Congo Pooled

Fund are expected to make available an additional $65 million in the first months of 2008.

V. Support for security and stabilization in the east

35. With a view to meeting the relevant benchmarks outlined in my previous report, MONUC developed a security and stabilization strategy to lay the groundwork for the Mission's orderly eventual withdrawal, in particular from the eastern part of the Democratic Republic of the Congo. In order to implement the strategy, MONUC has strengthened its civilian, police and military presence in the east. The strategy is aimed at protecting civilians by rapidly stabilizing areas in the east where armed groups are expected to disband in line with the Goma and Nairobi processes. The strategy will combine and prioritize elements from existing frameworks, including the Government's Priority Action Programme, the 2008 Humanitarian Action Plan and the Mission's mandate implementation plan.

36. The strategy focuses on (a) political and military actions to encourage remaining armed groups to disband; (b) political measures to encourage the fulfilment of commitments made within the Goma process; (c) basic first steps to ensure the return of State authority to areas formerly controlled by armed groups; and (d) support for the return and reintegration of war-affected populations.

37. The strategy has benefited from generous, early financial support from the Governments of the Netherlands and Japan. A number of other partners have indicated their willingness either to fund the strategy or to implement programmes in keeping with its objectives. However, additional funding is still required.

VI. Support for the Armed Forces of the Democratic Republic of the Congo and joint operations

38. MONUC has continued to provide operational support to FARDC aimed at stabilizing sensitive areas and expanding State authority, both of which are critical elements of the benchmarks. However, the extent of this support has been undermined by the ad hoc nature of the requests of FARDC, which were routinely incomplete and delivered with limited warning and usually without preparatory liaison. The limited capacity of FARDC for comprehensive planning, particularly for logistical support and sustainment, along with poor training and lack of equipment, seriously challenged its ability to carry out effective operations.

39. Despite institutional weaknesses and shortcomings, better coordination at lower tactical levels allowed for some successful limited joint operations. In Orientale, Katanga and Maniema provinces, small-scale operations aimed primarily at sensitizing armed groups in preparation for entering *brassage* were successful and enhanced FARDC performance. Joint patrolling provided limited mentoring that increased security and reinforced FARDC capability. Larger joint operations were undertaken in Ituri where FARDC benefited from MONUC support in operations against FNI and FRPI splinter groups. Although those operations were encumbered by problems of poor coordination and inadequate planning, interaction has improved and progress has been observed.

40. Critical support was also provided to FARDC in North Kivu. In December, MONUC reinforced its positions in Sake, Rutshuru and Goma in order to protect civilians where FARDC faced setbacks. Those deployments prevented the fall of those key population centres. Additional mobile operating bases, allowed MONUC to extend protection to civilians in a number of locations, while increased patrols enhanced the security of internally displaced persons. In addition to protecting civilians, MONUC supported FARDC within the terms of its mandate pursuant to resolution 1756 (2007) by providing planning advice for FARDC operations. MONUC also helped transport ammunition and rations and evacuated FARDC casualties from conflict zones.

41. MONUC planning for joint operations against FDLR has been under way since November 2007. The resulting joint concept, which allows for a phased, progressive approach, was endorsed by President Kabila in March. The concept combines an enhanced military presence with political activities and sensitization in the area of disarmament, demobilization, reintegration and resettlement or repatriation. The first phase involves designated FARDC battalions establishing a presence in FDLR areas with the support of MONUC. As necessary, FARDC would thereafter undertake targeted operations against recalcitrant FDLR components. Such operations would be synchronized with actions resulting from the implementation of the statements of commitment.

42. FARDC lacks the capacity to undertake significant offensive operations in the near future. Addressing that deficit will require the institution of a system of leadership vetting and review, increased joint operational planning and better training. MONUC is conducting an assessment to determine the capabilities and limitations of FARDC in terms of offensive operations and to identify priority areas where the Mission and international partners could help enhance FARDC capabilities.

43. Since the successful completion of the pilot phase of the Mission's main training project in March 2007 and the graduation of a FARDC integrated battalion, MONUC has delivered two additional basic training programmes for 10 FARDC integrated battalions. In spite of logistical deficiencies and the lack of FARDC weapons and equipment, the second main training project was successfully completed, with the units entering service in the FARDC integrated brigades.

44. MONUC expects to conduct similar courses in 2008 and intends to enhance the training programme with supplementary training courses to develop the operational effectiveness and planning ability of FARDC officers. The introduction of mortar and engineering courses into the programme will enhance specific combat-support capabilities.

VII. Protection of civilians

45. MONUC continued to provide security for the delivery of humanitarian assistance and for the return and the reintegration of refugees and internally displaced persons. It achieved a high level of civilian-military coordination by developing a strategic approach to protection activities. As part of the Mission's joint protection concept, humanitarian and protection priorities and population considerations have been integrated into its military planning for all eastern

provinces through a series of civilian-military exchanges, the development of maps and matrices and the deployment of mobile operating bases for civilian protection.

46. The operationalization of the Mission's joint protection concept helped to protect civilians during the FARDC offensive against CNDP forces in North Kivu. In addition to securing the key urban and population centres, MONUC provided direct protection to more than 150,000 civilians who were sheltering in the nearby internally displaced person sites: 50,000 in the five sites around Mugunga in the vicinity of Goma and 100,000 in the general area of Kiwanja and Rutshuru.

47. In the framework of the planning exercise launched following the Nairobi communiqué, MONUC carried out an assessment of the projected humanitarian impact of military offensives against FDLR in North Kivu, South Kivu and Maniema. The evaluation provided essential information on population characteristics and anticipated movements, humanitarian presence and supply capacities in the area.

VIII. Human rights

48. The human rights situation remained precarious and a cause for grave concern during the reporting period. Elements of Congolese and foreign armed groups, as well as members of the national security forces, continued to carry out arbitrary executions and commit acts of rape, torture and cruel, inhuman and degrading treatment with almost total impunity. A MONUC human rights investigative team concluded that on 16 and 17 January, in the vicinity of Kalonge, North Kivu, at least 30 civilians were executed by CNDP elements. The results of the investigation were shared with CNDP, which contested the findings and called for a separate investigation. On 2 January, in Musizero in North Kivu, soldiers of the FARDC second integrated brigade allegedly killed eight people, including three children.

49. Members of the intelligence services were implicated in several cases of arbitrary arrest and detention followed by torture and extortion. MONUC was hindered in its monitoring of those services by the systematic refusal to grant access to many detention centres. Human rights advocates were subjected to arbitrary arrest, harassment, threats and intimidation by police and other security forces.

50. Against this background, a state of almost total impunity for serious offences continues to prevail. The national authorities have failed to adequately investigate the serious human rights violations committed by members of the security forces, including at the time of the events in Kinshasa early in 2007. In addition, about 200 people who were arrested in connection with events in Kinshasa in March 2007 remain in detention without formal charges having been brought against them.

51. Interference by military and political authorities seriously undermined the independence of the judiciary. Following the beating and torture of two military judges in September 2007 by the FARDC commander of the ninth military region, civilian and military judges went on strike and, in a memorandum to the President, condemned frequent interference in the administration of justice by senior military commanders. Although an inquiry was opened, the suspects were not suspended or brought to justice.

52. Concerns regarding the administration of justice were exemplified by two high-profile cases closely monitored by MONUC. In an effort to remedy serious

deficiencies observed during the trial for the murder of Radio Okapi journalist Serge Maheshe in Bukavu in 2007, MONUC transmitted a detailed report on the trial to the authorities of the Democratic Republic of the Congo. The report concluded that the Bukavu military tribunal did not conduct the trial with impartiality or in accordance with national and international due-process standards. The report documented the lack of in-depth investigation, highlighted important contradictions in the declarations of the accused and the repeated refusal of the tribunal to conduct ballistic and forensic tests, which MONUC had offered to facilitate. The appeals trial commenced on 6 February and is continuing.

53. In another case, on 15 February the Kisangani Court of Appeal acquitted Chief Kahwa, a former Ituri warlord, ruling that all charges against him were covered by the extended amnesty law, which explicitly excludes genocide, crimes against humanity and war crimes from its scope of applicability. The charges against Kahwa included multiple murders of civilians, which could amount to crimes against humanity. The decision sets a dangerous precedent and goes against the spirit and letter of the amnesty law itself. However, Chief Kahwa, who was transferred on 22 March to a prison in Kinshasa, faces additional, unspecified, charges brought against him by the military prosecutor.

54. Among the limited positive developments were the arrest, on 7 February, of Mathieu Ngudjolo, former commander of FNI, and his transfer to the International Criminal Court to face charges of war crimes and crimes against humanity. At the time of his arrest, Ngudjolo was serving as a FARDC colonel. On 19 March, six police officers were convicted by the military tribunal of Mbandaka of mass rape and other crimes committed in Lifumba Waka, in Equateur province, in March 2006.

IX. Sexual and gender-based violence

55. Sexual and gender-based violence remains a major area of focus and concern for MONUC and the United Nations country team. While there is a strong correlation between such violence and armed conflict, sexual violence is prevalent throughout the Democratic Republic of the Congo. Whereas uniformed men represent the majority of perpetrators in the Kivus, such crimes have been attributed primarily to civilians elsewhere. The overwhelming majority of the victims were minors. Prosecution of cases remains disconcertingly rare.

56. Obtaining reliable figures on sexual violence is a challenge. Insecurity in the east constitutes a serious impediment, as do logistical difficulties, the dilapidated health-care system, general impunity that discourages reporting and legal recourse, and cultural sensitivities. A harmonized system for reporting has been established under the Government's joint initiative to combat sexual violence, which relies primarily on cases being reported to health-care facilities. The initiative brings together the Government, the United Nations system and national and international non-governmental organizations.

57. The limited information available confirms that the picture is bleak, but it may also offer modest evidence of improvement. In terms of national trends, figures from the joint initiative suggest that in approximately 69 per cent of cases reported countrywide, some medical assistance is provided, with psychosocial support given in some 73 per cent of cases. Some 14 per cent receive assistance with reintegration into their communities, while just 7 per cent receive judicial support when seeking

legal redress. These data are subject to qualitative assessment. However, while the number of victims reportedly receiving medical and psychosocial assistance leaves room for major improvement, available information suggests that the combined efforts of the Government, the United Nations and national and international non-governmental partners may be having an impact.

58. Trends at the provincial level may suggest that while there has been an extremely worrying increase in reports of new cases of sexual violence in the context of conflict in the Kivus, in post-conflict zones such violence may have decreased. In North Kivu, almost 80 per cent of cases for which victims sought assistance in 2007 related to crimes committed during that year.

59. MONUC is concentrating on reinforcing the Congolese capacity to prevent sexual violence, assist victims and end impunity for perpetrators. In limited but positive developments relating to the Congolese effort to fight impunity, the Minister for Defence ordered military region commanders in 2008 to establish follow-up committees composed of delegates of military region commands, high military courts and MONUC, to tackle serious crimes, including sexual violence. He also ordered commanders to increase instructions to troops on the importance of discipline and the consequences of disobedience, while seeking to enhance and accelerate the prosecution of such acts by the military justice system. A national follow-up committee, in which MONUC participates, has been established within the Ministry of Defence. Finally, the Ministry has also established a military operational court in North Kivu to prosecute serious crimes committed by FARDC troops. In January, the Government announced the establishment of a theme group on sexual violence to add further clarity and direction to collaboration with the international donor community.

60. A United Nations accelerated common action plan to combat sexual and gender-based violence is being developed, aimed at bridging gaps and ensuring the full coordination of United Nations interventions in this area. The common action plan is expected to be finalized by May. To assist in this process, a senior advisor is being seconded to support MONUC and the United Nations country team in their collective response against sexual and gender-based violence.

61. In the meantime, MONUC is continuing to focus its interventions on FARDC and national police personnel with the primary aim of preventing violence and bringing perpetrators to justice. Incidents of sexual violence are monitored and reported within the framework of the Mission's monthly reports on serious human rights violations by members of the armed forces, which are transmitted to the Ministry of Defence. Cases of ill-discipline and harassment of the population are also collated and sent every month to the Chief of Defence Staff. A continuous reporting mechanism has also been established within the Mission's military component to report on the involvement of recently trained battalions in any act of violence, with a view to taking further action. Furthermore, lists of reported high-level perpetrators within FARDC are being assembled as a basis for collecting evidence for possible prosecutions.

62. Working in collaboration with the Ministry of Defence, the Defence Institute of International Legal Studies of the United States of America and the Canadian forces, MONUC planned and delivered training courses on the investigation and prosecution of sexual crimes for 200 military magistrates and military judicial

police inspectors in Kinshasa, Kisangani and Matadi. A further 300 military personnel will benefit from additional training courses.

63. These developments demonstrate the increase in the concerted efforts of Congolese and international partners to address the scourge of sexual violence. However, resources for the fight against sexual violence remain inadequate, given the vast size of the Democratic Republic of the Congo, logistical difficulties and the multifaceted nature of the problem and its direct correlation with armed violence.

X. Rule of law and security sector reform

64. Progress in security sector reform has been modest, with little progress being made towards achieving the overall security sector reform benchmark. The Government convened a long-awaited round table on security sector reform in Kinshasa on 25 and 26 February, gathering some 200 participants, including international and national experts. The meeting was organized around four committees, on armed forces, justice, police and cross-cutting issues. The round table provided an important opportunity for the Government of the Democratic Republic of the Congo to present its approach to security sector reform to international partners.

65. Discussions during the meeting focused on the Government's presentation of a new master plan for army reform and a road map based on four pillars involving three overlapping phases spanning 12 years. The short-term phase, from 2008 to 2010, is based on (a) the training and deployment of 12 battalions of a rapid reaction force drawn from elements yet to undergo *brassage*, as well as from the 18 existing integrated brigades; (b) the establishment of the legal framework necessary for army reform; and (c) the completion of the transitional disarmament, demobilization and reintegration and army integration programmes. International partners observed that the plan presented at the round table did not adequately address the overall structure and management of the defence sector. The Government maintains that army reform is solely a national prerogative, to be dealt with through national decision-making and action.

66. Progress on police reform was more promising. During the round table, participants strongly recommended that Parliament rapidly adopt the draft law on the reform and the reorganization of the Congolese National Police without substantive modifications. The civilian character of the national police was reaffirmed. Participants also agreed on the need to integrate all judicial police branches into the national police, thereby ensuring that all criminal investigations will be under one authority. MONUC has recommended that this step be suspended until the national police and the High Council of the Magistrature, once established, can determine modalities for coordination. MONUC also presented the concept of vetting as a tool to be used by the Government to ensure compliance with the provisions of paragraph 15 of resolution 1794 (2007). The Commission agreed by consensus to recommend that the Parliament establish a vetting commission by law.

67. The Minister for Justice presented a five-year plan for justice sector reform. Round-table participants agreed that the plan presented a basis for donors to engage in dialogue, but believed that it did not contain a strategic vision for reform or an analysis of needs. MONUC will continue to assist the Ministry of Justice in developing priorities and will support donor outreach and coordination. The Mission

is also providing support to the Ministry of Defence in the drafting of a strategic plan on military justice. MONUC is also continuing to assist the permanent secretariat of the High Council of the Magistrature in conducting a detailed inventory of judicial personnel and infrastructure throughout the country.

68. MONUC has continued to provide technical assistance to the ministerial committee on reform of the penitentiary system with a view to the finalization of the reform package, including necessary draft legislation. The Government of the Netherlands has provided MONUC with two grants: one of $1.3 million for the reconstruction of Kinshasa's high-security military prison, and one of $600,000 for training military justice personnel. Nonetheless, prison conditions and infrastructure in the Democratic Republic of the Congo remain dilapidated, and the situation is deteriorating. In the eastern part of the Democratic Republic of the Congo there are reports of prisoners dying of starvation as a result of the Government's failure to provide food. MONUC has deployed corrections advisers to mentor and advise national authorities on addressing prison-related problems.

XI. Disarmament, demobilization and reintegration

69. Delays in the implementation of disarmament, demobilization and reintegration programmes continued to pose major security risks. The number of combatants remaining to be processed through the national programme for disarmament, demobilization and reintegration is estimated to be between 70,000 and 80,000. Negotiations between the Multi-Country Demobilization and Reintegration Programme and the Government have resulted in an agreement for the disbursement of additional funding for the national programme. Signature of the agreement is conditional on receipt of an appropriate response from the Government to a report prepared by the office of ethics and integrity of the World Bank and reimbursement by the Government of $6.8 million in ineligible expenses. The Government reimbursed $1.5 million in September 2007 and $2.5 million in recent months, leaving a balance of $2.8 million yet to be reimbursed.

XII. Children in armed groups

70. Despite the signing of the statements of commitment, the recruitment and re-recruitment of Congolese and Rwandan children by CNDP, Mayi-Mayi groups and foreign armed groups such as FDLR, continue to be reported in the Kivus. MONUC has documented cases of children formerly associated with armed groups being arrested by FARDC. In what appears to be a new trend, since December children arrested by FARDC are no longer being transferred to MONUC in accordance with previous standard practice. Instead, they are being detained, interrogated, mistreated and in some instances transferred to Kinshasa for further questioning.

XIII. Local elections

71. The successful conduct of credible local elections has been identified as an important benchmark for the eventual withdrawal of MONUC, and the Mission's support for such elections was confirmed in resolution 1797 (2008). The first

meeting of the steering committee of the electoral cycle support project was convened on 15 February. During the meeting, co-chaired by the President of the Independent Electoral Commission, Abbé Malu Malu, and my Deputy Special Representative, the Government renewed its commitment to organize local elections, albeit by the end of 2008. This timeline marked a shift in the official position of the Government, which had previously indicated that the elections should take place in June 2008. However, should the Congolese authorities decide to update the voter roll, a measure currently under consideration in the Commission, the local elections could be further delayed.

72. The Government, in conjunction with the Parliament, has committed itself to accelerating the adoption of essential laws, in particular the law on electoral constituencies and the law on the distribution of seats for the local elections. Neither has yet been submitted to Parliament, however. The Government also committed itself to honouring, as from March, financial commitments for funding local elections, namely, more than $24 million a year for the operation of the Independent Electoral Commission (and, subsequently, the National Independent Electoral Commission) and $25 million to pay electoral staff. As indicated above (see para. 21), the law on the National Independent Electoral Commission has not yet been adopted by Parliament. In the meantime, the Supreme Court has authorized the Independent Electoral Commission to carry on with electoral preparations.

73. Several donors have reiterated their support for local elections. However, significant resources will be needed over the coming months to ensure a timely and effective process. Donors are expected to provide an estimated $110 million, including for security costs, while the Mission's support costs are estimated at approximately $82 million.

XIV. Observations

74. Despite numerous setbacks, critical steps have been taken since my previous report towards resolving the complex causes of conflict and instability in the eastern part of the Democratic Republic of the Congo that have troubled the subregion for more than a decade. The Nairobi and Goma processes have established frameworks for addressing, in a comprehensive manner, problems created by Congolese and foreign armed groups, particularly in the Kivus. The Government of the Democratic Republic of the Congo is to be commended for the conclusion of the Nairobi communiqué with the Government of Rwanda, and for the successful conclusion of the conference on the Kivus and the signing of the statements of commitment. However, success in both processes is far from guaranteed and will ultimately depend on the determination, good faith and political will of all parties concerned. The strong and sustained political engagement of the international partners of the Democratic Republic of the Congo, who have thus far greatly contributed to the Nairobi and Goma processes, will also be essential.

75. The statements of commitment that emerged from the Goma conference should be a significant step forward. However, sustained effort by all concerned, including dialogue and negotiation among national stakeholders, remains crucial. The significant number of verified ceasefire violations is a matter of serious concern. I call upon all signatories to respect their obligations under the statements of commitment, and encourage the Government of the Democratic Republic of the

Congo to ensure inclusiveness in the follow-up structures. In this regard, the issuance of the executive orders on the structure and composition of the joint technical commission on peace and security is a welcome step. The continued active involvement of the international community is also critical to the success of this process.

76. I welcome the positive engagement of the Government of Rwanda in the Nairobi process. I strongly encourage the Governments of the Democratic Republic of the Congo and Rwanda, as well as the international community, to maintain momentum in implementing the Nairobi communiqué and the provisions of Security Council resolution 1804 (2008) in order to jointly address the problems posed by Rwandan armed groups in the eastern part of the Democratic Republic of the Congo. The continuing dialogue among countries in the Great Lakes region is also a welcome development and I commend the Government of the Democratic Republic of the Congo for its commitment to the International Conference on the Great Lakes Region and the implementation of the Pact on Security, Stability and Development in the Great Lakes Region. I urge the Democratic Republic of the Congo to establish full diplomatic relations with its neighbours as soon as possible and to address mutual concerns about security and border issues.

77. The situation in the Kivus has the potential to affect the stability of the Democratic Republic of the Congo as a whole and the subregion. Long-term stability in the Kivus will depend on many interlinked factors. The full extension of State authority throughout those provinces will be an essential step towards stability. A substantially strengthened FARDC is critical to achieving this goal. The operational performance of FARDC in North Kivu at the end of 2007 clearly demonstrated that the transformation and professionalization of the national army is a critical priority for the Democratic Republic of the Congo. The Government's round table on security sector reform was an important step forward. However, I am convinced that the Democratic Republic of the Congo would benefit from a strategic vision and comprehensive plan that establishes FARDC as a well-structured and professional force, able to meet its security responsibilities while respecting international humanitarian and human rights law. I urge the Government of the Democratic Republic of the Congo and its partners to show the necessary flexibility and to work together towards that common objective.

78. The elected Government of the Democratic Republic of the Congo has the primary responsibility for security and stability in the country. The Government is obligated to maintain the State's territorial integrity and to uphold the principles of the Constitution. I strongly urge the Congolese authorities that, in doing so, they refrain from the disproportionate use of force, which contributes to instability and poses the risk of grave humanitarian consequences. In this regard, recent events in Bas-Congo are very disturbing. I am very concerned by the provocations of BDK, which led to the escalating tensions. I urge all concerned to take the necessary measures to ease tensions, rebuild trust and resolve problems in Bas-Congo through dialogue.

79. The situation in Bas-Congo demonstrates the urgent need to make meaningful progress on the fiscal, legal and institutional aspects of decentralization as envisaged under the Constitution. While institutional progress continues at the national level, including with respect to the legislature, massive challenges face the Democratic Republic of the Congo in virtually every domain. I urge the

Government, assisted by its international partners, to redouble its efforts to consolidate democracy, enhance governance, combat corruption, respect human rights and establish the rule of law at the national and local levels, all of which will help bring about the reconstruction and economic development which the people of the Democratic Republic of the Congo urgently deserve and need. I also appeal to all political leaders to respect the principles of transparency, inclusiveness and tolerance and to create space for reform and for building the credibility of the country's legitimate institutions.

80. Local elections will mark another important step towards strengthening democracy in the Democratic Republic of the Congo and will require careful preparation. Further postponement of these polls carries political risks, as it could heighten dissatisfaction among some segments of the population concerned about inadequate representation in key areas of instability. Continued slippage in the timetable for the local elections could also complicate preparations for the national elections scheduled for 2011, while eroding confidence among the Congolese electorate and the international partners of the Democratic Republic of the Congo. In accordance with Security Council resolution 1797 (2008), the United Nations is providing technical advice and preparing to extend the logistical and security support needed for the elections. However, many steps remain to be taken if the ambitious timelines currently envisaged are to be met. I urge the Government and Parliament to proceed swiftly to enact the legislative and institutional frameworks necessary for the local elections. I also urge donors once again to support the conduct of the local elections and to help build the national electoral capacity of the Democratic Republic of the Congo.

81. The population is still looking forward to tangible peace dividends, as well as to accountability and transparency on the part of the Government. I encourage the Government to deliver on the commitments articulated in the Government programme for 2007-2011, the governance contract and associated reforms, and urge the international community to support the Government's efforts to put them into effect.

82. Widespread sexual violence in the Democratic Republic of the Congo remains a source of deep concern. The most important steps to address this phenomenon would be the disbanding of illegal armed groups and the extension of legitimate State authority. The responsibility for the prevention and prosecution of such crimes lies with the Government. I am encouraged by the personal commitment of President Kabila to combat the plague of sexual violence, and similar commitments by other senior Government officials and parliamentarians. I recently wrote to President Kabila commending him for his personal involvement and encouraging him to continue to work closely together with the United Nations in order to eradicate this blot on Congolese society.

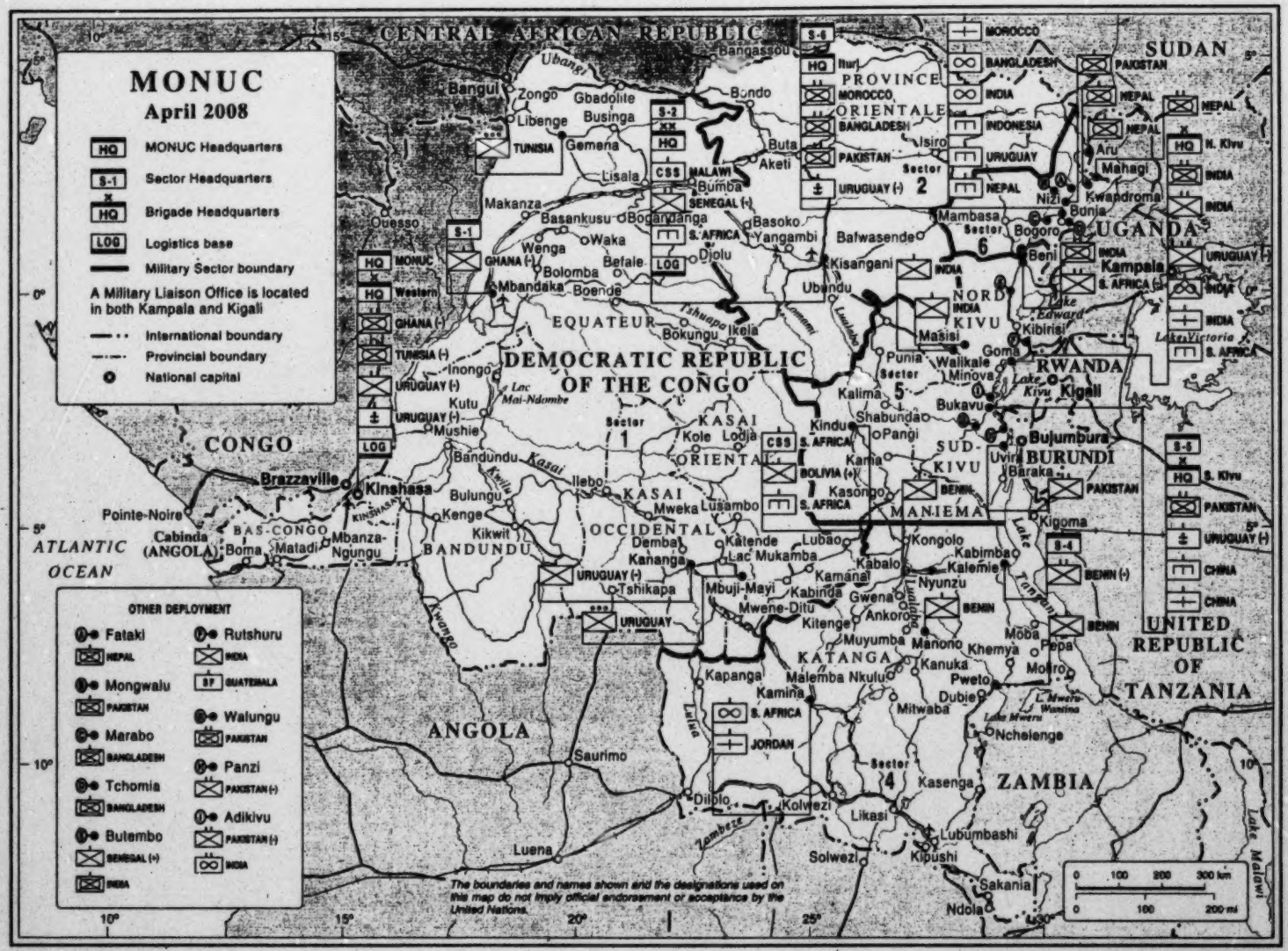
83. Much more needs to be done, however. MONUC and the United Nations system have stepped up their activities and are undertaking a thorough review of measures to support Congolese efforts to prevent and respond to sexual violence and to hold perpetrators accountable. I will continue to keep the Security Council informed of developments, including on the finalization of a comprehensive mission-wide strategy, the United Nations accelerated common action plan.

84. As the present report indicates, MONUC components continue to focus on helping the Democratic Republic of the Congo make progress towards the broad

benchmarks outlined in my previous report. Important steps have been made towards stability in the eastern part of the country, the holding of local elections and security sector reform, but numerous obstacles and uncertainties remain. The outcome of talks between the Government of Uganda and the Lord's Resistance Army, and discussions between the Democratic Republic of the Congo and Uganda with respect to the Allied Democratic Forces/National Army for the Liberation of Uganda may further alter the security situation in the eastern part of the Democratic Republic of the Congo. While continuing to support the Government's overall efforts to meet these benchmarks, MONUC will also develop with the Government clear tangible steps to be taken within the overall benchmarks outlined in my previous report. The achievement of those benchmarks would allow for the eventual withdrawal of MONUC and a calibrated transition to a more development-focused United Nations presence in the Democratic Republic of the Congo.

85. In accordance with resolution 1794 (2007), MONUC has placed the highest priority on addressing the security challenges posed by armed groups in the eastern part of the Democratic Republic of the Congo, with a particular focus on the protection of civilians. In support of the Goma and Nairobi processes, MONUC has redeployed more than 90 per cent of its forces to the eastern part of the country, with more than 60 per cent currently located in the Kivus. The Mission's current force levels, authorized under resolution 1756 (2007), do not reflect the critical role MONUC is expected to play under the Goma and Nairobi processes. These complex tasks are likely to require a high concentration of the Mission's assets, in terms of time and area of deployment. Every effort is being made to ensure that the concentration of troops in the Kivus does not create security vacuums elsewhere. However, MONUC resources are stretched to the limit, creating risks in areas of potential and rising tension, including in Bas-Congo and elsewhere. I intend to keep the situation under close review and may revert to the Council with recommendations to ensure that the Mission's military and civilian deployments correspond to its mandated tasks.

86. I would like to thank my Special Representative, Alan Doss for his efforts, as well as to pay particular tribute to his predecessor, William Lacy Swing, for his determination and courage in accompanying the Democratic Republic of the Congo through the transition and the first year of elected government. I would also like to thank the international and national staff members of MONUC and the United Nations country team, whose dedicated service, often under difficult conditions, has supported the people of the Democratic Republic of the Congo as they seek peace, security and respect for human rights. My appreciation also goes to the countries contributing police and troops to MONUC, and to their uniformed personnel who have served with honour in this difficult Mission, as well as to donor countries and multilateral and non-governmental organizations that provide the support needed to sustain progress in the Democratic Republic of Congo.



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Report of the Secretary-General on the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1781 (2007) of 15 October 2007, by which the Security Council extended the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 15 April 2008. It provides an update of the situation in Abkhazia, Georgia, since my report dated 23 January 2008 (S/2008/38).

2. My Special Representative continued to lead the Mission. He was assisted by the Chief Military Observer, Major General Niaz Muhammad Khan Khattak (Pakistan). The strength of UNOMIG on 25 March 2008 stood at 134 military observers and 18 police officers (see annex).

II. Political process

3. During the reporting period, UNOMIG continued its efforts to help prevent the escalation of tensions in the zone of conflict and facilitate resumption of dialogue between the Georgian and Abkhaz sides. The overall approach to the settlement of the conflict remains that a successful dialogue on security, the return of internally displaced persons and refugees, economic rehabilitation and humanitarian issues would help bring about a comprehensive political settlement of the conflict, taking into account the principles contained in the document entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi", its transmittal letter (see S/2002/88, para. 3) and additional ideas by the sides.

4. My Special Representative continued to maintain regular contact with both sides, and with the Group of Friends of the Secretary-General, both in Tbilisi and in their capitals. Despite his efforts, the negotiation process remained suspended, as the Abkhaz side continued to insist on the withdrawal of Georgian armed personnel from the upper Kodori Valley as a precondition for the resumption of negotiations with the Georgian side.

5. On 18 and 19 February 2008, senior representatives of the Group of Friends of the Secretary-General met in Geneva under the chairmanship of the Assistant Secretary-General for Peacekeeping Operations. The purpose of the meeting was to take stock of developments in the United Nations-led peace process since their last

meeting in Bonn on 27 and 28 June 2007 (see S/2007/439, paras. 8-14) and discuss ways and means to advance the settlement of the conflict. Georgian and Abkhaz delegations took part in the discussion.

6. At that meeting, the Georgian side stressed the vital importance of the international community's commitment to the territorial integrity and sovereignty of Georgia as reflected in Security Council resolutions. It undertook to move the conflict settlement process forward through incremental steps. It noted progress in implementing measures discussed in Geneva and Bonn in 2007, including the investigation of the disappearance of David Sigua (see S/2007/588, paras. 5-7) by the Joint Fact-Finding Group, the programme for rehabilitation in the zone of conflict and the issue of missing persons. It stated, in particular, that its commitments regarding the upper Kodori Valley were fulfilled and verifiable, thanks to transparency measures such as the establishment of a UNOMIG team base there. It believed, therefore, that this issue should be removed from the agenda. Also with regard to security, the Georgian delegation suggested that outstanding issues concerning the resumption of the security dialogue could be promptly resolved. The Georgian delegation stressed that the Joint Fact-Finding Group investigations should be broadened to include 32 other cases.

7. The Georgian side stressed its readiness to elaborate and implement jointly with the Abkhaz side specific, tangible and result-oriented proposals aimed at increasing confidence, people-to-people contacts and the development of strong ties between civil societies. In this regard, the Georgian delegation emphasized its humanitarian rather than political approach to building confidence. It underlined its willingness to develop unilaterally proactive communication strategies, including through mass media, in order to decrease tensions and foster reconciliation between the Georgian and Abkhaz societies. In this context, the delegation invited the international community to assist Georgian and Abkhaz journalists in getting direct access to information. The Georgian side was ready to receive Abkhaz journalists, as a start. Among specific proposals, the Georgian side emphasized the establishment of economic links and the lifting of economic sanctions, provided that agreement was reached with the Abkhaz side on a number of issues, including modalities for the freedom of movement of people and goods, and security guarantees, including in relation to the safe and dignified return of internally displaced persons and refugees. The Georgian side stressed that joint economic activities could be the best mechanism to ensure confidence-building. In this regard, it reiterated its readiness to explore further specific means for the implementation of recommendations made in Bonn regarding maritime communications. The Georgian side also expressed its readiness to revisit, taking into account new circumstances, the package of documents prepared in 2005 on the non-use of force and the return of internally displaced persons and refugees. Overall, the Georgian side stated its intention to find new, creative approaches to the implementation of confidence-building measures.

8. The Abkhaz side noted the recent United Nations assessment, referring to my previous report, that the negotiation process was deadlocked, and invited the United Nations and the Group of Friends to revisit accordingly their approach to the settlement of the conflict. In particular, the Abkhaz side stressed the need for international intermediaries to take into account in a more balanced way the international principles of self-determination and territorial integrity, particularly in the light of recent decisions on Kosovo. To this end, it proposed that future

comprehensive settlement negotiations use as a basis the Abkhaz position paper "Key to the Future", submitted in 2006, rather than the "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" (see para. 3 above).

9. At the same time, the Abkhaz side stressed its intention to continue to cooperate with the United Nations-led peace process and fulfil its commitments under the framework of the peace process. In particular, the Abkhaz delegation reaffirmed its commitment to the implementation of the confidence-building measures proposed by the Friends. It stressed the main issues apt to improve confidence between the parties and, to a large extent, the credibility of the negotiation itself, such as the full implementation of the Moscow Agreement with regard to the Kodori Valley, the non-use of force and the lifting of the Commonwealth of Independent States (CIS) embargo. In this respect, the Abkhaz side stressed its flexibility in finding compromises on these issues, including the gradual establishment of a local police force in the upper Kodori Valley, with international assistance if required; and the adoption of the already negotiated package of documents on non-use of force and the return of internally displaced persons. With regard to other confidence-building measures identified at Bonn, the Abkhaz side stressed its own record of implementation. It also suggested that the proposals identified at Bonn should be implemented before new proposals are considered. Finally the Abkhaz delegation clarified that the issuance of Abkhaz passports would continue to take place on a strictly voluntary basis.

10. The Group of Friends noted the relative quiet on the ceasefire line over the past few months and stressed the importance of cooperation by the two sides in maintaining and enhancing the security situation. In this connection, they reiterated their urgent call for the resumption as soon as possible of the security meetings between the sides, UNOMIG and the CIS peacekeeping force, which constitutes a basic requirement for cooperation and confidence. With regard to confidence-building, the Friends expressed their disappointment at the lack of progress made since the Bonn meeting in June 2007 and stressed the importance of implementing fully the proposals for confidence-building measures made by the Friends in February 2007 and endorsed by the Security Council.

11. At the same time, the Friends noted the fact that there appeared to be common ground with regard to the necessity, after one year of escalating mistrust, to focus on the gradual restoration of a working relationship between the sides across a range of issues. The Friends encouraged the two sides to take a pragmatic approach in this respect. They took note of a number of new proposals by the Georgian side but cautioned against creating linkages that would make it more difficult to achieve concrete results. They reiterated their commitment to monitor closely the implementation of the assurances given by the sides. The Friends also recalled that international expertise was available to the sides in addressing more technical issues on their agenda and offered their concrete support on trade and communication issues. The Friends stressed the importance they attach to the preservation of peace. They reaffirmed as fundamentally important the right of return for all the refugees and internally displaced persons to Abkhazia, Georgia, and encouraged the sides to focus on practical steps to improve conditions for returns, in the first instance to the Gali district. In this context, they noted with interest the possibility of a consideration of the package of documents on the non-use of force and the return of internally displaced persons and refugees, and encouraged the two sides to finalize it as soon as possible.

12. The Friends welcomed the reaffirmation by both sides of their commitment to the United Nations-led peace process. While stressing that responsibility for the success of the conflict resolution mechanisms rests with the parties themselves, they stated their own determination to continue to assist the two sides and the United Nations in the framework of the Security Council resolutions.

13. On 4 March, the de facto Abkhaz Parliament adopted a statement that supported the suspension of negotiations with the Georgian side until the withdrawal of Georgian forces from the upper Kodori Valley. Furthermore, it called upon the de facto leadership to take measures to re-establish Abkhaz "jurisdiction" over the upper Kodori Valley. On 7 March, the de facto Parliament appealed to the United Nations, international organizations and States, in particular the Russian Federation, to consider recognition of Abkhazia's independence.

14. On 6 March, the Russian Federation announced that, due to changed circumstances, it no longer considered itself bound by the restrictions introduced by the Decision of the CIS Council of Heads of State on measures to settle the conflict in Abkhazia, Georgia, of 19 January 1996 (A/51/62-S/1996/74). It proposed to other CIS countries to do the same. Georgia considered the decision as an overt attempt to infringe upon its sovereignty and territorial integrity and warned about possible practical implications of lifting the CIS restrictions; in particular, regarding the acquisition of property and investments and the deployment of foreign military instructors, military forces and hardware. It declared a "policy of zero tolerance towards the militarization of Abkhazia, Georgia" and pledged to work with the international community to prevent complications.

15. On 15 March, the Georgian leadership reiterated Georgia's commitment to settling its internal conflicts by peaceful means, but opposed signing new documents on the non-use of force in the conflict settlement process, stating that earlier ceasefire agreements had resulted in the loss of Abkhazia.

16. On 13, 19 and 21 March, the Russian State Duma held hearings on Abkhaz and South Ossetian appeals for recognition of their independence. On 21 March, the Duma adopted a statement that, while expressing support for the sovereignty and territorial integrity of Georgia, deemed necessary an adjustment in the policy of the Russian Federation, in light of Kosovo's unilateral declaration of independence. The Duma called on the executive branch to strengthen its assistance to and protection of Russian citizens living in Abkhazia, particularly in view of the bid by Georgia to join the North Atlantic Treaty Organization. It stressed the need to maintain existing peacekeeping formats until an agreed settlement of the conflict was reached and to consider the possible strengthening of the peacekeeping force. It also proposed that the executive branch consider the expediency of recognizing Abkhazia's independence.

17. On 24 March, the Ministry of Foreign Affairs of Georgia assessed the statement of the Duma as an attempt to interfere openly in the internal affairs of Georgia, expressing particular concern at the call by the Duma to consider the expediency of recognition of Abkhazia. It believed that the statement indicated that the Russian Federation had deprived itself of any right to claim the role of a neutral mediator in the conflict resolution. It also warned that any modification in the deployment of the CIS peacekeeping force without the consent of the Georgian authorities in Abkhazia would constitute an act of aggression against the State of Georgia.

18. On 28 March, President Saakashvili outlined Georgia's proposals for the resolution of the conflict. They included: unlimited autonomy and wide federalism, supported by international guarantees; broad Abkhaz political representation in the official structures of Georgia, including a new post of Vice-President to be occupied by an Abkhaz; the right to veto legislation and decisions related to the constitutional status of Abkhazia, Georgia, and to issues related to Abkhaz culture, language and ethnicity; the establishment of jointly controlled free economic zones in the Gali and Ochamchira districts; and the gradual merger of law enforcement and customs services. He also suggested that the Russian Federation become, together with other members of the international community, a mediator to the conflict. The de facto Abkhaz leadership stated that these proposals were not acceptable and confirmed its position that building good-neighbourly relations with Georgia on an equal basis was the only subject it was prepared to consider.

III. Developments in the UNOMIG area of responsibility

19. During the reporting period, the situation along the ceasefire line generally remained calm, with occasional spikes of tension. That was particularly the case following the detention of three Georgians by de facto Abkhaz authorities, including a journalist, a cameraman and his mother, in Gali on 26 February, and an explosion in the village of Nabakevi in the Gali sector on 29 February, which injured three de facto Abkhaz militia personnel. These developments led to a build-up of security forces on both sides of the ceasefire line. Following calls by Georgian journalists on their Abkhaz counterparts and an appeal by the latter to the de facto Abkhaz leadership, the journalists were released on 6 March and handed over to UNOMIG, who transported them across the ceasefire line. After this release and a meeting between high-level military representatives from the CIS peacekeeping force and the Georgian side, the tensions abated and the sides withdrew additional personnel from the security zone.

Gali sector

20. Criminal incidents reported to UNOMIG patrols during the period under review included one killing, one attempted killing, one incident of arson and 10 robberies. A victim of one of the robberies later died in the hospital.

21. Following the release of the Georgian journalists, relatives of David Sigua and other Gali residents blocked the entrance to UNOMIG Gali sector headquarters to demand the assistance of UNOMIG in ascertaining his whereabouts.

22. From 29 February to 5 March, the Abkhaz side conducted military exercises, including in the Ochamchira area, which involved tanks, small arms and mortar firings. UNOMIG monitored some of these exercises. Three violation reports were issued for restricting UNOMIG's freedom of movement and for the presence of heavy military equipment in the restricted weapons zone.

23. On 18 March, the Abkhaz side claimed to have shot down a Georgian unmanned aerial vehicle off the coast of Ochamchira. UNOMIG was shown the recovered debris, which appeared to be from a midsize unmanned aerial vehicle. Previously, the de facto Abkhaz authorities also reported separate incidents of

violations of the Abkhaz-controlled airspace by Georgian unmanned aerial vehicles and warned of use of force if such overflights continued.

24. The United Nations police continued to liaise with the de facto Abkhaz law enforcement agencies in the Gali, Ochamchira and Tkvarcheli districts. It conducted 18 training courses for 104 de facto Abkhaz militia officers in traffic security, police tactics, forensics, police management and other policing skills, in addition to donating equipment and books.

25. The autumn conscription in the de facto Abkhaz armed forces in the Gali district ended in mid-January. The UNOMIG human rights officers followed up on two allegations of forceful recruitment and maintained contact with those recruits.

26. UNOMIG also continued to follow plans to issue Abkhaz "passports" to Gali district residents. While the de facto heads of administration and heads of villages have been instructed about the process, the issuing procedures are still unclear. The concern of the Mission is that Gali district residents should not be forced to renounce their nationality, which would be at variance with international human rights norms.

27. The Mission is following up on reports of compulsory labour, possibly involving intimidation and physical assault, in the Tkvarcheli and Ochamchira districts. It has raised the issue with the de facto Abkhaz authorities.

Zugdidi sector

28. The situation in the Zugdidi sector remained generally calm, but tensions arose in connection with the incidents mentioned in paragraph 19 of the present report.

29. Relatives and colleagues of the detained journalists staged demonstrations at the Inguri bridge and in front of the UNOMIG Zugdidi headquarters, temporarily blocking the Mission's movement.

30. From 29 February, UNOMIG observed significant reinforcement of the Ministry of Internal Affairs security posts, including the forward deployment of security forces in very close proximity of the ceasefire line. That triggered a reinforcement of its posts by the Abkhaz side (see para. 19 above). The CIS peacekeeping force increased its patrolling by establishing BTR armoured personnel carrier-mounted posts on both sides of the ceasefire line. UNOMIG urged that existing provisions establishing a minimum distance of 650 meters between positions of law enforcement structures and the line of separation of forces be observed. It also stressed the importance of observing the agreed limits on the number of security personnel in the security zone.

31. During the reporting period, the CIS peacekeeping force resumed patrolling in most of the security zone on the Georgian-controlled side. The Georgian side maintained that patrolling by the CIS peacekeeping force in the restricted weapons zone should be conducted only with prior notification. A number of tripartite meetings between the CIS peacekeeping force, the Georgian Ministries of Defence and Internal Affairs and UNOMIG have been taking place at the UNOMIG Zugdidi headquarters. These meetings were instrumental in de-escalating the situation in late February.

32. During the reporting period, UNOMIG continued to observe routine movements by the Ministry of Internal Affairs personnel and vehicles towards the upper Kodori Valley. Ground movements declined significantly compared to the previous reporting period. The number of aerial overflights, however, increased. UNOMIG issued five violation reports, which, for the most part, involved isolated military vehicles observed in the security zone.

33. Criminal incidents reported to UNOMIG patrols during the reporting period included two homicides, five abductions and eight robberies.

34. The United Nations police held 16 training courses in police tactics, self defence, suspect management, community policing, domestic violence, riot and crowd control, weapon handling, traffic police matters, and other policing skills for 151 police officers. It also organized a number of events within the framework of community policing and crime prevention programmes. The United Nations police conducted 29 joint patrols with local police within the security zone and made 164 monitoring visits to the local police facilities to assess the performance of local law enforcement agencies and to provide them with expert advice. The United Nations police also held 61 meetings with the Georgian police commanding staff on different policing-related matters and carried out public surveys on public security matters in different communities. It also donated equipment and books to the local police.

Kodori Valley

35. Severe weather conditions during the reporting period restricted UNOMIG activities in the Kodori Valley. The UNOMIG team in Adjara in the upper Kodori Valley was withdrawn twice: in late January and in February. Activities of the Georgian Ministry of Internal Affairs personnel were reduced in mid-January, and many of the observed personnel rotations were performed by using air transport. Abkhaz activities in the lower Kodori Valley were also reduced.

Mission-wide developments

36. Weekly quadripartite meetings on security issues in the conflict zone remained suspended. The Joint Fact-Finding Group continued the investigation of the disappearance of David Sigua. To date, the Group has held seven meetings. During the last meeting, two witnesses provided further testimonies.

37. During the reporting period, UNOMIG continued consultations with the parties on the strengthening of its observation capacity, in particular through the deployment of unmanned aerial vehicles (see S/2008/38, paras. 39-41 and 57). The Chief Military Observer carried out several briefings to the two sides and the CIS peacekeeping force for this purpose.

IV. Cooperation with the Collective Peacekeeping Forces of the Commonwealth of Independent States

38. UNOMIG and the CIS peacekeeping force continued to maintain close cooperation in the implementation of their respective mandates. The CIS

peacekeeping force continued to escort UNOMIG through the lower Kodori Valley during the regular rotation of the Mission personnel to and from its Kodori team base. The CIS peacekeeping force also provided assistance to UNOMIG temporary forward bases, which were established periodically on both sides of the ceasefire line.

V. Human rights issues

39. During the reporting period, the United Nations Human Rights Office in Abkhazia, Georgia, continued to promote human rights protection and to provide support to local non-governmental organizations (NGOs). The Office conducted regular monitoring visits to detention facilities, monitored court trials and provided legal advisory services to the local population. During the reporting period, the Office received 46 visitors in Sukhumi. The Office gathered first-hand information from victims, witnesses and other reliable sources. It monitored and followed up on individual cases related to due process and the right to a fair trial, the treatment of detainees, the illegal occupation of property, the right to adequate housing, and housing and property rights. The Office expressed concern at the treatment by the de facto authorities of the last remaining death-row inmate in Abkhazia. The Office closely monitored the detention conditions of the three ethnic Georgians apprehended on 26 February by the de facto Abkhaz State Security Services and released on 6 March (see para. 19 above). During daily visits to the detainees, none reported mistreatment while in custody. The Office also offered them legal advice.

40. The United Nations High Commissioner for Human Rights, Louise Arbour, visited Abkhazia, Georgia, during her visit to Georgia from 26 to 28 February. The High Commissioner met in Tbilisi with the Georgian President, the Ombudsman, other officials and representatives of the civil society. She also met with the de facto Abkhaz authorities and representatives of Abkhaz civil society in Sukhumi and Gali. Ms. Arbour urged the Abkhaz leadership to continue working towards sustainable rights-based solutions for internally displaced persons, with specific attention to protecting property rights. She also stressed the importance of providing education opportunities in the relevant mother tongues, and ensuring the right to freedom of movement for all local residents, including access to essential services and employment opportunities.

41. From 4 to 7 February, the Office, the Mission gender focal point and the United Nations police held a seminar in Pitsunda on the protection of women and minors against domestic violence. Twenty-two participants from the de facto Abkhaz Supreme Court, the General Prosecutor's Office, the Ministries of Interior, Justice and Education, NGOs and other entities took part in the seminar, which was conducted by the Ukrainian NGO La Strada Ukraine and the Ministry of the Interior of Ukraine.

VI. Humanitarian and rehabilitation activities

42. During the period under review, the Mission completed the rehabilitation of the power line in the village of Khamishkuri in the Khoba district and the restoration of water supplies to a school in Tsarche in the Tkvarcheli district. Approximately 1,500 households are expected to benefit from these projects.

Construction of a new police station in Lia village in the Tsalenjikha district continued, with the target completion date set for May 2008. A memorandum of understanding was signed with the de facto Head of Administration in Agu Gup in the Tkvarcheli district, to rehabilitate the village clinic. The Mission completed a four-month training project for 24 detainees at Dranda prison aimed at facilitating their future reintegration into society.

43. The United Nations Development Programme (UNDP) completed a livelihood programme funded by the European Commission and the Government of Norway, and started water system rehabilitation and income-generating activities in the Ochamchira, Tkvarcheli and Gali districts. UNDP also completed the rehabilitation of water supply systems in Kvemo Bargebi, Labra, Chlou-Mokva, Chai Sovhoz and Mahundzia, improving access to and quality of water for some 6,700 persons.

44. In February, the Georgian Government announced that it would collaborate with the Office of the United Nations High Commissioner for Refugees (UNHCR) in the framework of the "Strategic Directions", and expressed a special interest in community-based protection and confidence-building activities, education-related projects, basic shelter repair and income generation. UNHCR and its implementing partners — Danish and Norwegian Refugee Councils and the Swiss Agency for Development and Cooperation — continued to implement activities as part of this strategy, including shelter, school and infrastructure rehabilitation, community mobilization, microcredit, income-generating and training activities, as well as firewood distribution to schools in Gali, Ochamchira and Tkvarcheli districts. The joint implementation of assistance projects encouraged interaction between returnee and local communities.

45. The United Nations Children's Fund (UNICEF) continued its efforts to improve the quality of and access to maternal and child health care. It provided technical assistance and medical equipment and supplies to health institutions in Abkhazia, Georgia, for the needs of child immunization campaigns. UNICEF continued to support greater protection for the most vulnerable children and young people from violence, abuse and exploitation. It completed the rehabilitation of a school in the Ochamchira district.

46. The World Food Programme, in collaboration with World Vision International, continued to assist the most vulnerable categories of the population through food-for-work and food-for-education programmes. Within the scope of food-for-education, take-home rations were provided to over 1,000 most at-risk children in 82 schools in Ochamchira, Tkvarcheli, Gali, Gulripshi and Sukhumi.

47. Save the Children continued to implement the United States Agency for International Development-funded STI/HIV prevention project in Abkhazia, Georgia. Over the reporting period, a number of training sessions were organized, which were aimed at strengthening local capacities in addressing HIV/AIDS in Abkhazia, Georgia. With financial support from UNHCR, Save the Children also delivered diagnostic test-kits and other medical and laboratory equipment. With funding from the European Commission Humanitarian Office and UNHCR, Première Urgence began implementing projects aimed at supporting farmers, craftsmen and traders, and rehabilitating 100 houses in Gali, Ochamchira and Tkvarcheli. It also completed the rehabilitation of two collective buildings in Tkvarcheli and four individual houses, funded by the Swiss Agency for Development and Cooperation and the French Ministry of Foreign Affairs.

VII. Support issues

48. During the reporting period, UNOMIG continued its HIV/AIDS awareness and prevention campaign. The Mission implemented the mandatory orientation programme of the Secretary-General on HIV/AIDS in the workplace, with training sessions held for the Mission staff. Materials were distributed and displayed in the Mission area.

49. The Conduct and Discipline Unit completed a misconduct risk assessment for the Mission, with corresponding recommendations. During the reporting period, incoming uniformed and civilian personnel continued to be briefed on gender equality in peacekeeping.

VIII. Financial aspects

50. The General Assembly, by its resolution 61/283 of 29 June 2007, appropriated the amount of $35 million for the maintenance of UNOMIG for the period from 1 July 2007 to 30 June 2008. Should the Security Council decide to extend the mandate of UNOMIG beyond 15 April 2008, the cost of maintaining the Observer Mission until 30 June 2008 would be limited to the amount approved by the General Assembly.

51. As at 31 December 2007, unpaid assessed contributions to the special account for UNOMIG amounted to $18.4 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,719.4 million.

52. Reimbursement for medical facilities provided to UNOMIG by the Government of Germany has been made for the period until 31 December 2006. As at 20 March 2008, the amount owed for the medical facilities totalled $88,648.

IX. Observations

53. While the past three months have witnessed moments of tension between the two sides, the overall assessment by UNOMIG of the security situation in its area of responsibility continues to indicate its relative stability. This is a welcome development that contrasts favourably with the same period last year. I also welcome the dialogue between the Georgian Ministry of Internal Affairs, the CIS peacekeeping force and UNOMIG, which has been taking place regularly on the Zugdidi side of the ceasefire line. I hope that this dialogue will soon be supplemented by the resumption of regular meetings on security issues involving the Georgian and Abkhaz sides.

54. Indeed, every effort must be made to ensure that this positive trend continues, including through the strict observance of agreed rules constraining the deployment of forces of both sides in the security zone. The high tensions that characterized much of 2006 and 2007 have not served the interest of the peace process. Quite the contrary, they have contributed to further narrowing the opportunities for a dialogue already undercut by deep mutual suspicions. A period of sustained stability along the ceasefire line and in the Kodori Valley would improve the prospect of repairing the much deteriorated relationship between the two sides. The United Nations

continues to monitor and verify that the situation in the conflict zone is in compliance with the relevant agreements and Security Council resolutions.

55. In this respect, the steps proposed by the Group of Friends in 2007 and discussed again at the last Geneva meeting on 18 and 19 February are particularly relevant and, like the Friends, I regret that hardly any progress has been made so far in their implementation. In this respect, I can only stress the view, borne out by years of United Nations peacemaking experience, that small steps and partial successes are essential to the sustainability of protracted peace processes, and the Georgian-Abkhaz process certainly qualifies as such. I have taken note of the fact that during the Geneva meeting a measure of common ground emerged in this respect, with both sides acknowledging the possibility of a gradual restoration of working relations between them across a range of issues. Implementation, as always, will be key. I have noted with satisfaction the readiness of the members of the Group of Friends to assist the sides in this regard, and I express the willingness of the United Nations to support them in making this approach work.

56. I have outlined in my previous report (S/2008/38) the difficulties with which the peace process is currently confronted. These difficulties, as well as the increasingly complex external environment, remain and inevitably affect the role of UNOMIG. At the same time, as in the past, developments on the ground during the reporting period under review continued to highlight the importance of the presence of the Mission for promoting stability in the zone of conflict, practical cooperation between the sides and the restoration of dialogue. I therefore recommend an extension of the mandate of UNOMIG for a further period of six months, until 15 October 2008.

57. I conclude by expressing my appreciation to my Special Representative, Jean Arnault, and the staff of UNOMIG for their persistent efforts. I thank the Group of Friends, whose involvement is essential to the viability of my own efforts, and to the many Member States and international organizations that continue to contribute to the peace process.

Annex

Countries providing military observers (as at 25 March 2008)

Country	*Military observers*
Albania	3
Austria	2
Bangladesh	8
Croatia	3
Czech Republic	5
Denmark	5
Egypt	6
France	3
Germany	12
Ghana	1
Greece	5
Hungary	7
Indonesia	4
Jordan	7
Lithuania	2
Moldova	1
Mongolia	1
Nepal	1
Nigeria	1
Pakistan	10*
Poland	5
Republic of Korea	7
Romania	2
Russian Federation	4
Sweden	3
Switzerland	4
Turkey	5
Ukraine	5
United Kingdom of Great Britain and Northern Ireland	5
United States of America	2
Uruguay	3
Yemen	1
Total	**134**

* Including the Chief Military Observer.

Countries providing civilian police personnel (as at 25 March 2008)

Country	*Civilian police*
Czech Republic	2
Germany	4
Ghana	1
Philippines	2
Poland	2
Russian Federation	2
Sweden	2
Switzerland	2
Ukraine	1*
Total	**18**

* Including the Senior Police Adviser.

Map No. 3837 Rev. 57 UNITED NATIONS
April 2008

Department of Field Support
Cartographic Section

United Nations S/2008/220

Security Council

Distr.: General
3 April 2008

Original: English

Letter dated 31 March 2008 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government and with reference to the letters addressed to the President of the Security Council by the Permanent Observer of the League of Arab States to the United Nations (S/2007/544 and S/2008/179) and the annexes to the said letters, with regard to the three Iranian islands in the Persian Gulf, I have the honour to state the following:

The Islamic Republic of Iran categorically rejects the baseless claims of the United Arab Emirates regarding the Iranian islands of Abu Musa, the Greater Tunb and the Lesser Tunb, and reiterates that these islands are integral and eternal parts of the Iranian territory, and therefore the contents of the said letters and their annexes regarding these Iranian islands are totally baseless and void of any legal effect and value.

The Islamic Republic of Iran, in pursuance of its established policy, believes that the continuation of positive and constructive negotiations between the Iranian Government and the relevant officials of the United Arab Emirates will help to remove any misunderstanding which may arise with regard to the implementation of the 1971 memorandum of understanding between Iran and Sharja about the Iranian island of Abu Musa. Such a negotiation will also lead to the expansion of bilateral relations between the Islamic Republic of Iran and the United Arab Emirates in various fields.

Moreover, the Islamic Republic of Iran wishes to stress that the only correct and recognized historical name for the sea area between Iran and the Arabian Peninsula, as also emphasized by the United Nations itself, is the Persian Gulf, and accordingly, any use of fabricated names for this body of water, including the fabricated name used in the said letters, is totally unacceptable and is of no legal or political value.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

08-29373 (E) 040408

United Nations S/2008/221

Security Council

Distr.: General
4 April 2008
English
Original: French

Letter dated 3 April 2008 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General

For some time, Algeria and the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente POLISARIO) have sought to conceal their lack of political commitment to the Manhasset negotiation process by diverting the international community's attention towards alleged human rights violations against indigenous people of the Sahara region and other regions of the Kingdom.

Accordingly, they have sent a number of communications conveying these allegations to your office, in the hope that repetition will eventually turn lies into truth.

As you know, the Kingdom of Morocco has refused to be drawn into this scheme and has refrained from responding to these baseless accusations and diversionary tactics, preferring to devote its full energy to the success of the negotiations currently being conducted under your auspices and to the socio-economic development of the populations of that region.

In order to clear up any ambiguity and avoid any confusion, I should like, on behalf of my Government, to provide the following clarifications regarding the points that have been a recurrent theme in those communications:

(a) As you are aware, the Kingdom of Morocco, in implementing its plans to build a modern and democratic society, has undertaken far-reaching reforms and achieved significant, well-known and recognized progress in the area of human rights;

Thus, the Kingdom, which has incorporated respect for universally recognized human rights into its Constitution, has ratified or acceded to most of the international instruments concerning human rights and humanitarian law and has sought to bring its domestic legislation into line with its international obligations. In addition, Morocco cooperates closely and systematically with international human rights bodies and mechanisms, including those of the United Nations. Lastly, the Kingdom has undertaken, in the context of the Equity and Reconciliation Commission and other forums, to examine all verified cases of past human rights violations since the country's independence and has assumed responsibility for providing individual and collective compensation to the victims;

(b) In this connection, it should be recalled that the laws and regulations enacted to guarantee and protect the exercise of human rights and fundamental

freedoms are implemented in the same manner throughout the territory of the Kingdom, including the Sahara region;

Accordingly, in the area of economic, social and cultural rights, the Kingdom has made colossal efforts to improve infrastructure, education, health care and housing, with the result that today this region's rates of school enrolment and health-care coverage are higher than those in other regions of Morocco;

Significant progress has also been made in the area of civil and political rights. The inhabitants of the Sahara region participate very actively in political life (party membership, participation in legislative and local elections and professional associations, etc.), in economic and social life (trade unions, cooperatives, associations) and in the administrative sphere (administrative responsibilities at all levels);

Moreover, like the other regions of the Kingdom, the Sahara region benefits from the activities of national mechanisms for the promotion and protection of human rights. The Moroccan Ombudsman (*Diwan al Madhalim*) has opened an office in the region, and the Human Rights Advisory Council recently opened a regional administrative office in Laayoune;

(c) In this context, the allegations put forward by the other parties, which are part of a strategy that by now has been largely exposed, are intended to reopen questions that had been considered closed by the competent international bodies. Examples include the question of the "prisoners of war", for whom Algeria and the Frente POLISARIO bear imprescriptible responsibility, or the issue of enforced disappearance, in respect of which the Kingdom's efforts have even been hailed by the Working Group on Enforced or Involuntary Disappearances, which went so far as to cite Morocco as an example for other countries;

(d) The authors of these allegations have used disinformation and obfuscation to exploit cases that concern persons detained under ordinary law. Such persons are guilty of illegal acts that are prohibited as offences under ordinary law (such as acts of violence against law enforcement agents, vandalism, arson, robbery, assault and battery, drug trafficking, counterfeiting and organization of clandestine emigration);

These individuals, all of whom were afforded the due process guarantees provided by the legislation in force, have resorted to intermittent hunger strikes systematically orchestrated to coincide with United Nations timetables and rounds of negotiations;

(e) Contrary to the allegations made by the other parties, the Sahara region is pursuing its socio-economic development process in an atmosphere of calm, tranquillity and openness. Some 1,300 journalists representing the international media, including those fully sympathetic to the other parties' positions, have visited and reported on the Sahara region in complete freedom. In addition, thousands of foreign visitors participating in humanitarian convoys, sports rallies, caravans, delegations to scientific symposiums and cultural festivals organized by NGOs (including Amnesty International and Human Rights Watch) have stayed there. Many diplomats, parliamentarians, business leaders, representatives of international organizations and other foreign dignitaries have visited the region in complete freedom, particularly in recent years.

The Kingdom of Morocco hopes that this information will put an end to any misconceptions and obviate a fruitless and unproductive controversy, uniting the efforts of all concerned to create the most favourable conditions for the success of the negotiations.

Through its actions, Morocco has demonstrated its desire to enrich the dynamic launched by the Security Council; it pledges to persevere in this vein.

I should be grateful if you would have this letter circulated to the members of the Security Council and issued as a document of the Council.

(*Signed*) El Mostafa **Sahel**
Ambassador
Permanent Representative

United Nations S/2008/222

Security Council

Distr.: General
4 April 2008
English
Original: French

Letter dated 1 April 2008 from the Permanent Representative of Chad addressed to the President of the Security Council

On instructions from my Government, I would like to inform you that my country was once more attacked this morning by the Sudan through armed groups that are in its pay. Notwithstanding the Agreement signed on 13 March 2008 under the auspices of the President of Senegal and in the presence of the Secretary-General of the United Nations, our frontier was crossed along a stretch of almost 70 km by heavily equipped armed groups with allegiance to the Sudan which, supported by the sinister Janjaweed, attacked the locality of Adé, right in Chadian territory.

This is a flagrant violation of all the commitments entered into by the Sudanese Government, particularly those contained in the Dakar Agreement, which clearly stipulates that the two countries will prevent any destabilizing and aggressive activity against each other. How long will the Sudan go on flouting Chad's territorial integrity? Is any reminder needed that President Al-Bashir's unavowed intention is to overthrow the legitimate authorities in Chad so as to install a regime under his sway? It seems to us that it is high time for the Security Council, which has now been seized of this matter since 2005 and was yesterday, 31 March 2008, presented with the latest evidence of the Sudanese aggression, to once again intercede, this time more forcefully, with the Sudanese Government to put a stop to its macabre efforts at destabilization; it is in the general interest to take prompt action to prevent the situation in the subregion from getting out of hand. With this in mind, it would be judicious to further strengthen MINURCAT so as to increase its security impact in the area. It is therefore highly desirable and urgent that the Security Council and the international community should truly grasp the real danger and act immediately to avoid greater injurious consequences, especially as bilateral and regional efforts have not produced the expected results.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Mahamat Ali **Adoum**
Ambassador
Permanent Representative

08-29592 (E) 070408 070408

United Nations S/2008/223

Security Council

Distr.: General
7 April 2008

Original: English

Identical letters dated 4 April 2008 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government and with regard to certain baseless allegations against the Islamic Republic of Iran reflected in the latest report of the Secretary-General on the implementation of Security Council resolution 1701 (2006) (S/2008/135), I wish to state that, as I have brought to your attention in my previous letters, particularly my letter dated 9 November 2007 (S/2007/662) — to which, regrettably no reference has been made in the recent report of the Secretary-General on resolution 1701 (2006) — the Islamic Republic of Iran rejects the said allegations concerning the so-called "claimed transfer of sophisticated weaponry" to Lebanon. The said allegations, which are based on totally false and misleading information provided by the Israeli regime, are aimed by the said regime to distract the international community's attention from the atrocities it has committed, and continues to perpetrate, against the peoples in the region, particularly against the Palestinian and Lebanese people.

Unquestionably, the Israeli regime, with its long record of ill-intended misinformation campaigns, and as a regime that according to numerous United Nations reports, including the Secretary-General's reports on resolution 1701 (2006), has violated various provisions of resolution 1701 (2006) and many other United Nations resolutions, has no legitimacy or credibility to level such groundless allegations against others.

Given the fact that the Secretary-General's reports should be impartial, factual and based on concrete evidence, it is our legitimate expectation and firm belief that the Secretary-General should exercise utmost vigilance over the contents of such reports in order to prevent them from being turned into a platform for false, misleading and unfounded allegations manufactured by notorious and unreliable sources, such as the Israeli regime, against others.

I would be grateful if you could have the present letter circulated as document of the Security Council.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

08-29639 (E) 080408

United Nations A/62/786–S/2008/224

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Security Council

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General Assembly
Sixty-second session
Agenda item 17
The situation in the Middle East

Security Council
Sixty-third year

Identical letters dated 4 April 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On the instructions of my Government, I transmit to you herewith a statistical summary of Israeli violations from 8 to 31 March 2008 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-second session of the General Assembly, under agenda item 17, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

08-29698 (E) 100408 100408

Annex to the identical letters dated 4 April 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Subject: Israeli violations, acts of aggression and other activities from 8 to 31 March 2008

Air violations

On 8 March 2008, between 1845 hours and 2100 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over 'Alma al-Sha'b and circled over the southern regions. It departed over Rumaysh.

On 9 March 2008, between 0800 hours and 0830 hours, an Israeli reconnaissance aircraft overflew al-Naqurah.

Between 1500 hours and 1730 hours, an enemy Israeli reconnaissance aircraft intermittently overflew the Tibnin area.

Between 1650 hours and 1730 hours, enemy Israeli military aircraft intermittently overflew the Tibnin and al-Naqurah areas at very high altitude.

On 11 March 2008, between 0001 hours and 0100 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off al-Naqurah and circled over the sea between Damur and Sidon. It departed over the sea off al-Naqurah.

Between 1025 hours and 1130 hours, six enemy Israeli military aircraft violated Lebanese airspace over Rumaysh in a northerly direction as far as Tripoli and circled over all Lebanese regions. They departed over al-Naqurah.

Between 1825 hours and 2100 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the occupied Shab'a farmlands in a northerly direction as far as Rayak and circled between Rayak and Baalbek. It then headed south and departed over al-Naqurah.

At 2137 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre in a northerly direction as far as Rayak and circled between Rayak and Baalbek. It then headed south and departed over the sea off Tyre on 12 March 2008 at 0220 hours.

On 12 March 2008, between 0715 hours and 1150 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre in a north-easterly direction as far as Rayak and circled between Rayak and Baalbek. It then headed south and departed over 'Alma al-Sha'b.

Between 0900 hours and 0940 hours, four enemy Israeli military aircraft violated Lebanese airspace over the occupied Shab'a farmlands in a northerly direction as far as Beirut and circled between Beirut and the South. They departed over 'Alma al-Sha'b.

Between 1730 hours and 2210 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over 'Alma al-Sha'b in a north-easterly direction as far as Rayak and circled between Rayak and Baalbek, and then between Damur and Tyre. It departed over the sea off al-Naqurah.

On 13 March 2008, between 0300 hours and 0700 hours, an enemy Israeli reconnaissance aircraft intermittently overflew the Bint Jubayl and Naqurah areas.

Between 1110 hours and 1128 hours, two enemy Israeli military aircraft violated Lebanese airspace over Kafr Kila as far as Shikka. They then returned in a southerly direction and departed over Rumaysh.

Between 1200 hours and 1325 hours, two Israeli military aircraft violated Lebanese airspace over 'Alma al-Sha'b and circled between Beirut and the South over sea and land. They departed over Rumaysh.

On 15 March 2008, between 1630 hours and 1700 hours, two enemy Israeli military aircraft overflew the town of Kafr Shuba and the occupied Sha'ba farmlands at very high altitude.

Between 2300 hours and 2350 hours an Israeli reconnaissance aircraft overflew the Tibnin area.

On 16 March 2008, between 0020 hours and 0130 hours, an enemy Israeli helicopter overflew Lebanese territorial waters off al-Naqurah.

On 17 March 2008 between 0945 hours and 1015 hours, an enemy Israeli reconnaissance aircraft overflew the Naqurah area.

On 18 March 2008 between 1215 hours and 1230 hours, an enemy Israeli reconnaissance aircraft overflew the western Bekaa region.

Between 1730 hours and 1745 hours an enemy Israeli reconnaissance aircraft overflew the Jabal al-Rayhan area at high altitude.

Between 1950 hours and 2010 hours an enemy Israeli reconnaissance aircraft overflew Jabal al-Rayhan.

On 19 March 2008, between 0645 hours and 1000 hours, an enemy Israeli reconnaissance aircraft overflew the Tibnin and al-Naqurah areas at low altitude.

Between 1259 hours and 1343 hours, four enemy Israeli military aircraft violated Lebanese airspace over Rumaysh and circled over all Lebanese areas. They departed over the sea off al-Naqurah.

Between 1819 hours and 1830 hours, enemy Israeli military aircraft overflew Lebanese territorial waters off Ras al-Naqurah.

On 21 March 2008, between 0825 hours and 1130 hours, an enemy Israeli reconnaissance aircraft overflew Jabal al-Rayhan.

Between 1000 hours and 1110 hours, enemy Israeli military aircraft intermittently overflew the Bint Jubayl area at very high altitude.

Between 1445 hours and 1620 hours, enemy Israeli military aircraft intermittently overflew the Bint Jubayl area. At the same time, an enemy Israeli reconnaissance aircraft overflew Jabal al-Rayhan.

Between 1740 hours and 1900 hours, an enemy Israeli reconnaissance aircraft overflew the al-Nabatiyah area.

At 2255 hours, enemy Israeli military aircraft overflew the Bint Jubayl area. They departed on 22 March 2008 at 0040 hours.

On 22 March 2008, between 1610 hours and 1720 hours, an enemy Israeli reconnaissance aircraft overflew the Kafr Shuba area and Jabal al-Rayhan.

Between 2200 hours and 2300 hours, an enemy Israeli reconnaissance aircraft overflew the al-Naqurah area.

On 23 March 2008, between 1005 hours and 1035 hours, four enemy Israeli military aircraft violated Lebanese airspace over al-Naqurah and circled between Beirut and the South. They departed over Rumaysh.

Between 1030 hours and 1100 hours, an enemy Israeli reconnaissance aircraft overflew the al-Naqurah area.

Between 1630 hours and 1700 hours, enemy Israeli military aircraft overflew the al-Naqurah area. At the same time, an enemy Israeli reconnaissance aircraft overflew al-Naqurah and Bint Jubayl.

On 24 March 2008, between 1017 hours and 1025 hours, two enemy Israeli military aircraft violated Lebanese airspace over the sea off Tripoli in a southerly direction as far as Shikka. They departed over the sea off Tripoli.

On 25 March 2008, between 1030 hours and 1430 hours, Israeli military aircraft overflew the al-Naqurah, Tibnin and Bint Jubayl areas at very high altitude.

On 27 March 2008, between 1100 hours and 1130 hours, two enemy Israeli military aircraft violated Lebanese airspace over Rumaysh in a northerly direction as far as al-Batrun and circled over all Lebanese regions. They departed over the occupied Shab'a farmlands.

Between 1145 hours and 1230 hours, two enemy Israeli military aircraft violated Lebanese airspace over Yarun in a northerly direction as far as Damur and circled over Damur and al-Na'imah. They departed over 'Alma al-Sha'b.

On 28 March 2008, between 1050 hours and 1215 hours, an enemy Israeli reconnaissance aircraft overflew the al-Naqurah area.

On 30 March 2008, between 1430 hours and 1710 hours, an enemy Israeli reconnaissance aircraft overflew the Bint Jubayl area.

At 1742 hours and at 1754 hours, two enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off al-Naqurah in the direction of Beirut as far as Damur and circled over the sea between Damur and Sidon. They departed at 1950 hours over the sea off al-Naqurah.

Between 1930 hours and 2015 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Tyre in an easterly direction and circled over the sea off Tyre. It departed over al-Naqurah.

On 31 March 2008, between 2115 hours and 2140 hours, enemy Israeli military aircraft violated Lebanese airspace over the al-Naqurah area.

Sea violations

On 16 March 2008, at 1819 hours, in the open sea in the territorial waters of occupied Palestine, an enemy Israeli military launch shone a searchlight in the direction of Lebanese territorial waters for five minutes.

On 17 March 2008, at 0730 hours, an enemy Israeli Sa'ar 5 military vessel was observed by the Italian vessel Bettica to be in violation of Lebanese territorial waters three miles from the line of buoys heading out of Lebanese territorial waters at 290 degrees.

On 20 March 2008, at 0000 hours, in the open sea in the territorial waters of occupied Palestine off Ras al-Naqurah, an enemy Israeli military launch shone a searchlight in the direction of Lebanese territorial waters for five seconds.

On 22 March 2008, at 1824 hours, in the open sea off Ras al-Naqurah, an enemy Israeli military launch shone a searchlight in the direction of Lebanese territorial waters.

On 24 March 2008, between 0020 hours and 0100 hours, in the territorial waters of occupied Palestine off Ras al-Naqurah, an enemy Israeli military launch shone a searchlight in the direction of Lebanese territorial waters.

On 25 March 2008, at 1829 hours, in the territorial waters of occupied Palestine off Ras al-Naqurah, an enemy Israeli military launch shone a searchlight in the direction of Lebanese territorial waters.

On 31 March 2008, at 0415 hours, a vessel belonging to the Israeli enemy violated Lebanese territorial waters as far as approximately 300 metres north of the line of buoys for two minutes. It then left Lebanese regional waters.

Acts of aggression in the field

On 13 March 2008, between 0945 hours and 1015 hours, Israeli farmers used a hose to pump water from inside occupied Palestinian territory into Lebanese territory on the outskirts of the town of Mays al-Jabal.

On 14 March 2008, between 1400 hours and 1500 hours, Israeli farmers used a pump to pump water from inside occupied Palestinian territory into Lebanese territory on the outskirts of the town of Mays al-Jabal.

On 15 March 2008, between 0830 hours and 0845 hours, inside occupied Palestinian territory in the vicinity of the Israeli enemy's Jabal Bu Dajaj position (across from the town of Ramiya), two Merkava tanks were spotted, one of which was aiming its cannon in the direction of the town. At 0845 hours a Hummer jeep stopped near an Israeli enemy position across from Jabal Balat-Marwahin. Some people disembarked and assumed combat positions while using binoculars to observe Lebanese territory for 15 minutes.

On 17 March 2008, between 1045 hours and 1145 hours, inside occupied Palestinian territory, farmers pumped water into Lebanese territory on the outskirts of the town of Mays al-Jabal in the Tufah area along the border.

On 18 March 2008, between 0630 hours and 0800 hours, inside occupied Palestinian territory, farmers pumped water into Lebanese territory outside the town of Mays al-Jabal in the Tufah area along the border.

At 1904 hours, enemy Israeli forces shone a searchlight mounted on a vehicle near its position north of Zar'it barracks in the direction of the Ramiya triangle and the Tarbikha gate inside Lebanese territory for 30 seconds.

On 20 March 2008, at 2253 hours, an enemy Israeli patrol consisting of two Hummer vehicles shone one of the vehicle's searchlights in the direction of a Lebanese Army position at Mays al-Jabal.

On 26 March 2008, at 0714 hours, an enemy Israeli bulldozer and trench-digger, accompanied by two Hummer vehicles, passed through a gate in the technical strip opposite the occupied town of al-Ghajar in the direction of the water pump on the Wazzani River on a dirt road separating the occupied from the liberated area. At 1200 hours, a second trench-digger arrived and the two began to dig and dispose of dirt in the Lebanese side of the occupied town of al-Ghajar opposite a Spanish UNIFIL contingent position at al-Wazzani. At 1535 hours, they departed in the direction of the occupied town of al-Ghajar.

On 27 March 2008, at 1930 hours, from inside occupied Palestinian territory across from the town of Rumaysh, the Israeli enemy shone a searchlight in the direction of the Lebanese Army's position along the Rumaysh fence for one and a half minutes.

On 28 March 2008, between 1900 hours and 2200 hours, the Israeli enemy intermittently shone a searchlight in the direction of Lebanese territory, from the Tayyarat outpost inside occupied Palestinian territory across from the town of Yarun.

On 29 March 2008, at 0815 hours, while travelling on the 'Adayssah-Kafr Kila highway, an enemy Israeli patrol consisting of two Hummer vehicles with the rear vehicle towing a road-sweeper stopped in front of a house under construction belonging to citizen Muhammad Husayn Hamad of Kafr Kila. A soldier in the vehicles directed insults at two Lebanese workers, Husayn Hasan Sulayman and Ahmad Muhammad Shit, both residents of the aforementioned town working on the aforementioned house. The patrol aimed and cocked their weapons at the two in spite of the fact that they had done nothing at all. The patrol then proceeded on its way.

On 21 March 2008, at 1110 hours, an enemy Israeli patrol crossed the Blue Line five metres into Lebanese territory south of the town of al-Labunah in order to position a GPS device to determine border points. It departed at 1140 hours.

Other activities

On 26 March 2008, at 1059 hours, on the outskirts of Rumaysh-Wadi Qatmun, an enemy Israeli trench-digger and wheeled bulldozer accompanied by two Merkava tanks crossed the technical line without crossing the Blue Line, and worked on levelling an old military road formerly used by enemy forces. They departed at 1210 hours.

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Agenda item 17
The situation in the Middle East

Security Council
Sixty-third year

Identical letters dated 4 April 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On the instructions of my Government, I transmit to you herewith a statistical table of Israeli air, sea and land violations during the month of March 2008 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-second session of the General Assembly, under agenda item 17, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

08-29692 (E) 080408 080408

Annex to the identical letters dated 4 April 2008 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Statistical table showing Israeli violations during March 2008

Air violations					*Land violations*					
Military jet	*Reconnaissance*	*Helicopter*	*Total*	*Sea violations*	*Military acts of aggression*	*Field violations*	*Breaches*	*Total*	*Overall total*	*Previous month's violations*
				Crossing of territorial waters, and firing of automatic-weapons rounds, flares and flare shells over territorial waters	Air raids, artillery shelling, shelling of military positions and important posts, attacks on and killing of civilians	Gunfire, launching of flare bombs, dropping of artillery shells, infiltration and crossing of international borders	Threats and display of weapons, bulldozing of soil, placing of barbed wire and setting up of installations inside Lebanese territory			
27	37	1	65	8	—	11	10	21	94	69

United Nations S/2008/226

Security Council

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Special report of the Secretary-General on the United Nations Mission in Ethiopia and Eritrea

I. Introduction

1. The present report is submitted pursuant to paragraph 32 of my special report of 3 March 2008 on the United Nations Mission in Ethiopia and Eritrea (UNMEE) (S/2008/145), in which I informed the Security Council of my intention to prepare a second special report providing options and recommendations for any future United Nations peacekeeping presence in Eritrea and Ethiopia.

2. With the temporary relocation of UNMEE military personnel and equipment from Eritrea, as outlined in my previous special report, the Mission has reached a critical turning point. It is therefore important to set out the context of the developments leading to the temporary relocation of the Mission and to recount pertinent events since the signing by Eritrea and Ethiopia, in Algiers, of the Agreement on Cessation of Hostilities of 18 June 2000 and the Comprehensive Peace Agreement of 12 December 2000.

II. Agreement on Cessation of Hostilities

3. Under the Agreement on Cessation of Hostilities, Eritrea and Ethiopia committed themselves to resolving the border conflict and any other dispute between them through peaceful and legal means; rejecting the use of force as a means of imposing solutions to disputes; and respecting the borders existing at independence and determining them on the basis of pertinent colonial treaties and applicable international law and, in case of controversy, resorting to the appropriate mechanism of arbitration.

4. The two parties also committed themselves to an immediate cessation of hostilities, and requested the United Nations to deploy a peacekeeping operation to assist in the implementation of the Agreement. Ethiopia committed itself to submitting to the peacekeeping operation redeployment plans for its troops from positions taken after 6 February 1999 which were not under Ethiopian administration before 6 May 1998. Eritrea committed itself to maintaining its forces at a distance of 25 kilometres (artillery range) from positions to which the Ethiopian forces had redeployed. The zone of separation was to be referred to as the "temporary security zone". The parties guaranteed the freedom of movement and access of the peacekeeping mission and its supplies through their territories. In

addition, the parties committed themselves to respecting and protecting the members of the peacekeeping mission and its installations and equipment.

5. The parties also called on the United Nations and the Organization of African Unity (now the African Union) to establish a Military Coordination Commission, to be composed of representatives of both parties under the chairmanship of the head of the peacekeeping mission. The task of the Commission was to coordinate and resolve issues relating to the execution of the mandate of the mission, in particular military issues arising during the implementation period. In paragraph 5 of the Agreement, it is stipulated that the mandate of the peacekeeping mission "shall terminate when the delimitation-demarcation process of the border has been completed". The parties also requested the international community to take the necessary measures, including under Chapter VII of the Charter of the United Nations, should one or both parties violate the commitments reached under the Agreement.

III. Comprehensive Peace Agreement

6. Under the Comprehensive Peace Agreement, the two parties pledged to permanently terminate military hostilities between themselves; refrain from the threat or use of force against each other; respect and fully implement the provisions of the Agreement on Cessation of Hostilities; and release and repatriate prisoners of war and others detained as a result of the war.

7. Under the Agreement, the parties also agreed to establish a neutral boundary commission, mandated to delimit and demarcate the border between the two countries, based on pertinent colonial treaties and applicable international law. The Agreement set strict deadlines for the establishment and functioning of the commission, which was expected to commence work not more than 15 days after its constitution. The commission was to endeavour to make its decision concerning delimitation of the border within six months of its first meeting, following which it was to arrange for the expeditious demarcation of the border. The parties agreed that the delimitation and demarcation decisions of the boundary commission would be final and binding.

IV. Role of the United Nations Mission in Ethiopia and Eritrea

8. By its resolution 1312 (2000), the Security Council established the United Nations Mission in Ethiopia and Eritrea. Subsequently, in its resolution 1320 (2000), the Council further defined the mandate of UNMEE, which included monitoring the cessation of hostilities; assisting in ensuring the observance of the security commitments agreed by the parties; monitoring and verifying the redeployment of Ethiopian forces; monitoring the positions of the armed forces of both sides once redeployed; monitoring the temporary security zone; chairing the Military Coordination Commission; coordinating and providing technical assistance for humanitarian mine action activities in the temporary security zone and areas adjacent to it; and coordinating the Mission's activities with humanitarian and human rights activities of the United Nations and other organizations in those areas.

9. By its resolution 1430 (2002), the Security Council adjusted the Mission's mandate to include demining in support of the demarcation process, as originally envisaged in resolution 1320 (2000). The resolution also mandated UNMEE to provide administrative and logistical support to the field offices of the Eritrea-Ethiopia Boundary Commission.

10. The deployment of UNMEE began with the establishment of military liaison offices in the capitals of the two countries in August 2000. In the following months, troops, military observers and civilian staff were deployed in the border area. The redeployment of Ethiopian forces from the area of the future temporary security zone was verified by UNMEE on 7 March 2001. On 18 April 2001, UNMEE declared the formal establishment of the Temporary Security Zone.

11. In accordance with standard practice, a status-of-forces agreement was concluded between Ethiopia and the United Nations on 23 March 2001 (United Nations, *Treaty Series*, vol. 2141, No. 37352). Owing to disagreement on a number of provisions, no such agreement was concluded with Eritrea. As a result, in accordance with Security Council resolution 1320 (2000), the model status-of-forces agreement (A/45/594, annex) of 9 October 1990 provisionally applies between the United Nations and Eritrea in respect of UNMEE.

V. Military Coordination Commission

12. The Military Coordination Commission established under paragraphs 6 and 7 of the Agreement on Cessation of Hostilities held 37 meetings between 2001 and 31 July 2006. As indicated in previous reports, the Commission has not been able to meet since July 2006. Ethiopia has maintained that it would resume its participation in the Commission's meetings only after Eritrea had restored the integrity of the Temporary Security Zone by withdrawing the troops and military equipment it has deployed in the Zone. For its part, Eritrea has maintained that it would attend the Commission's meetings if Ethiopia resumed its participation. During the period when the Commission was meeting on a regular basis, it provided the only forum in which the parties would engage in face-to-face discussions.

VI. Delimitation and demarcation of the boundary

13. In accordance with the relevant provisions of the Comprehensive Peace Agreement, the Eritrea-Ethiopia Boundary Commission was formally constituted in February 2001 to delimit and demarcate the common border between the two countries, based on pertinent colonial treaties and applicable international law. Under article 4.15 of the Agreement, the parties agreed that "the delimitation and demarcation determinations of the Commission shall be final and binding" and that each country "shall respect the border so determined, as well as the territorial integrity and sovereignty of the other party". In addition, under article 4.16 of the Agreement, the parties requested the United Nations to facilitate the resolution of problems that might arise due to the transfer of territorial control, including the consequences for individuals residing in previously disputed territory.

14. On 13 April 2002, the Eritrea-Ethiopia Boundary Commission issued its delimitation decision, which identified the boundary line by providing a list of

coordinates specifying the points through which the boundary runs. Both parties announced their acceptance of the decision shortly after it was rendered. In a statement issued on the same day, the Council of Ministers of Ethiopia stressed that the Government was "ready to implement the legal decision of the Commission". The Government of Eritrea, in a statement made on the same date, underlined that the "determination by the border Commission has reaffirmed what was clear four years ago and has vindicated Eritrea. When they signed the Algiers Peace Agreement in December 2000, both parties had committed themselves to accept the decision of the Commission as final and binding. Hence the question of acceptance of the decision is superfluous". The Eritrea-Ethiopia Boundary Commission then proceeded to open field offices in Asmara, Eritrea, and Addis Ababa and Adigrat, Ethiopia.

15. On 13 May 2002, Ethiopia submitted to the Eritrea-Ethiopia Boundary Commission a request for interpretation, correction and consultation, in which it questioned certain aspects of the Commission's delimitation decision. On 24 June 2002, the Commission issued a decision in response to Ethiopia's request, stating that "the provisions of articles 28 and 29 of the Rules of Procedure neither allow substantive amendment nor affect the binding quality of the Decision as rendered on 13 April 2002. Re-argument of the case is not permitted". It also stated, "Accordingly, the Commission concludes that the Ethiopian request is inadmissible and no further action will be taken upon it" (see S/2002/732, annex).

16. The Eritrea-Ethiopia Boundary Commission prepared the first set of demarcation instructions, based on the completion of the 1:25,000 scale map on which the border was to be marked. On 24 December 2002, the Commission provided the parties with copies of the map for their comments on the Commission's approach to the demarcation phase (see S/2003/257, annex I, paras. 1 and 2 and S/2003/257/Add.1, para. 8). In response, on 24 January 2003, Ethiopia issued a memorandum outlining its views on the process of demarcation, which pointed out that there was a need to conduct demarcation in a manner that would take into account the human and physical geography through a study of facts on the ground. It was stressed in the memorandum that adjustments should be made to address situations in which villages were divided or roads were cut by the boundary. For its part, Eritrea maintained that the delimitation line determined by the Commission's decision of 13 April 2002 should be applied without change. On 21 March 2003, the Commission stated that, in the absence of authorization by both parties, it had no authority to vary the delimitation line, except in cases of manifest impracticability (see S/2003/257/Add.1, para. 8).

17. Meanwhile, the Commission proceeded with activities required for the demarcation exercise, including field surveys starting in Sector East. Ethiopia agreed to the emplacement of pillars in that sector, but called for dialogue with Eritrea to facilitate demarcation in Sectors Centre and West, in the light of the issues outlined in its memorandum of 24 January (see para. 16 above). Eritrea, however, rejected the possibility of pillar emplacement in Sector East, unless demarcation began simultaneously in the other two sectors (see S/2003/1186, para. 15). Hence, at that time, the points for the emplacement of pillars were determined for Sector East only.

18. On 19 September 2003, the Prime Minister of Ethiopia, Meles Zenawi, addressed a letter to my predecessor in which he expressed the view that the

Commission's delimitation decision of 13 April 2002 on Badme and parts of Sector Centre was "totally illegal, unjust and irresponsible". He further indicated that the peace process was in "terminal crisis" and proposed that an alternative mechanism to demarcate the contested parts of the boundary in a just and legal manner be put in place (see S/2003/1186, annex I). Subsequently, in a statement to Parliament on 29 March 2007, the Prime Minister declared that Ethiopia had accepted the delimitation decision of the Eritrea-Ethiopia Boundary Commission "completely and unconditionally". Furthermore, in a letter dated 8 June 2007 addressed to the President of the Security Council, the Minister for Foreign Affairs of Ethiopia confirmed that his Government had accepted the delimitation decision of the Eritrea-Ethiopia Boundary Commission without preconditions. He underlined, however, that in order to implement the delimitation decision, Eritrea should restore the integrity of the Temporary Security Zone, including full withdrawal of its regular military forces and heavy equipment from the Zone, and lift all the restrictions it had imposed on UNMEE.

19. In order to help resolve the situation, on 29 January 2004 my predecessor appointed the former Minister for Foreign Affairs of Canada, Lloyd Axworthy, as his Special Envoy for Ethiopia and Eritrea (see S/2004/102). However, Eritrea did not agree to the appointment, which it characterized as an attempt to establish an alternative mechanism to the Eritrea-Ethiopia Boundary Commission (see S/2004/116).

20. Despite repeated attempts by the Eritrea-Ethiopia Boundary Commission during the next two years to advance the demarcation process, it could not break the impasse. As a result, the Commission issued a statement on 27 November 2006 announcing that if the parties failed to reach an agreement on the physical demarcation of the boundary by placing pillars on the ground with the Commission's assistance by the end of November 2007, the boundary would automatically stand as demarcated by the boundary points determined by the Commission on the basis of map coordinates, and the Commission would consider its mandate fulfilled. As no progress was made in the intervening period, on 30 November 2007 the Eritrea-Ethiopia Boundary Commission affirmed that, as at that date, the border was demarcated by coordinates ("virtual demarcation").

21. In response to that decision, the President of Eritrea, Isaias Afwerki, in a letter to the President of the Eritrea-Ethiopia Boundary Commission dated 19 November 2007, stated that "as far as the 'virtual demarcation' is concerned, there are numerous questions that could be raised in regard to its meaning, content and implications". At the same time, the letter conveyed "Eritrea's acceptance of this procedure as an important step forward towards the demarcation on the ground". In the letter, he also stated that "virtual demarcation does not represent completion of the process", and appealed to the Eritrea-Ethiopia Boundary Commission to persist "until erection of pillars to bring the process to its natural conclusion". Subsequently, in a letter dated 29 November 2007 addressed to the President of the Eritrea-Ethiopia Boundary Commission, the Legal Adviser to the President of Eritrea stated that "Eritrea acknowledges as both final and valid the coordinates that the Commission has specified and believes that these coordinates are as binding as other Commission decisions" (S//2007/693, annex).

22. For its part, Ethiopia, in a letter dated 27 November 2007 addressed to the President of the Eritrea-Ethiopia Boundary Commission from the Minister for

Foreign Affairs, stated that "in Ethiopia's view, these demarcation coordinates are invalid as they are not the product of a demarcation process recognized by international law".

23. Prior to the statement by the Eritrea-Ethiopia Boundary Commission of 30 November 2007 affirming the demarcation of the border by coordinates, I addressed identical letters dated 20 November 2007 to the President of Eritrea and the Prime Minister of Ethiopia, expressing my deep concern about the increasing tension on the ground and the continued military build-up by both countries. I urged both countries to take immediate steps to ease the tensions and pull their troops back and suggested that UNMEE convene a meeting of the Military Coordination Commission. Furthermore, I informed the two leaders of my intention to dispatch a senior United Nations official to Asmara and Addis Ababa in the following days to consult them on the appointment of my Special Representative for Ethiopia and Eritrea before taking a final decision on the matter.

24. Also on 20 November, the President of Eritrea addressed a letter to me reaffirming that "Eritrea has continued to respect the rule of law and uphold the integrity of the Algiers Peace Agreement" (see S/2007/681, annex). In the letter he also stated that the "Government of Ethiopia has endeavoured to force renegotiation of the final and binding Award" through "an endless series of pretexts designed to frustrate the demarcation process, to paralyse the Boundary Commission and to force the adoption of an 'alternative' mechanism". He further stated that "In the meantime, Ethiopia continues to occupy Eritrean territories by force in violation of international law and the Algiers Agreement". He added that the responsibility for the Commission's inability to proceed further towards physical demarcation of the border "lies squarely on the shoulders of the Government of Ethiopia", and urged me to "take necessary measures to redress the situation before it is too late".

25. On 23 November 2007, I received a letter from the Prime Minister of Ethiopia in which he stated that Eritrea was responsible for the latest tension, as it had "occupied the Temporary Security Zone". He added that Eritrea had refused to lift the restrictions on the operations of UNMEE and was in violation of the Agreement on Cessation of Hostilities. The letter contained a reference to the decision of the Boundary Commission that "the continuation of its activities would serve no useful purpose" and stated that "Ethiopia fully agrees with this decision" as "this may offer an opportunity to break the present stalemate, which is unlikely to be resolved as matters stand now". Finally, he expressed full support for my efforts to be "a bridge" between Ethiopia and Eritrea and for the proposed appointment of my new Special Representative.

26. On 24 November 2007, I received another letter from the President of Eritrea, in response to my letter of 20 November. In his letter, the President denied that there was a military build-up on the Eritrean side and informed me that the Eritrean Government "cannot comment, in the prevailing circumstances", on the possible appointment of my Special Representative. He urged me again to "shoulder" my responsibilities to "ensure the rule of law and the prevalence of justice".

27. I replied to the two leaders in identical letters dated 29 November, by which I welcomed the repeated acceptance, without preconditions, by both Ethiopia and Eritrea, of the final and binding delimitation decision of the Eritrea-Ethiopia Boundary Commission and stressed that the non-implementation of that decision, as well as the erosion of other aspects of the Algiers Agreements, continued to

undermine the prospects for a lasting peace between the two countries. I reminded both leaders that the Security Council had recently urged the parties to take concrete steps immediately and without preconditions towards the implementation of the final and binding delimitation decision of the Eritrea-Ethiopia Boundary Commission and to comply fully with the Algiers Agreements. Furthermore, I informed the two leaders of my intention to dispatch a senior United Nations official to discuss with them ways to begin the demarcation process, in accordance with the Algiers Agreements.

28. On 11 December 2007, I addressed a letter to the President of the Security Council, informing him of my letters of 20 and 29 November to the leaders of the two countries. President Afwerki subsequently wrote to the President of the Council on 21 December 2007, stating that he found my letters "out of consonance with" reality. In his letter, President Afwerki stated that Ethiopia "remains in unlawful occupation of Eritrean territory" and urged the Security Council "to redress this injustice in accordance with its legal responsibilities under the Algiers Agreement, the Charter of the United Nations and the general principles of international law" (see S/2008/40, para. 21).

29. In another letter addressed to the President of the Security Council, dated 15 January 2008, President Afwerki expressed the view that UNMEE, in its present role, was "maintaining occupation" (see S/2008/40, para. 22). He also called on the Council "to shoulder its responsibilities" by compelling Ethiopia to withdraw from Eritrean sovereign territories.

30. Subsequently, in its resolution 1798 (2008), the Security Council stressed that the physical demarcation of the border between the two countries would support a comprehensive and lasting settlement of the dispute and normalization of their relations. The Council also demanded that the parties immediately take concrete steps to complete the process launched by the Comprehensive Peace Agreement of 12 December 2000 by enabling the physical demarcation of the border. On 1 February, Eritrea issued a press release stating that it found resolution 1798 (2008) to be "irrelevant". In the view of Eritrea, the resolution violated the Charter of the United Nations, had no basis in the Algiers Agreements and disregarded the lawful and authoritative decision of the Boundary Commission.

VII. Situation on the ground and operations of the United Nations Mission in Ethiopia and Eritrea

31. Except for a few minor incidents and periods of tension, the overall security situation in and around the Temporary Security Zone remained relatively calm and stable until October 2006, when armed soldiers of the Eritrean Defence Forces, along with tanks and artillery, entered the Zone in Sector West. This incursion into the Zone was in violation of the security arrangements of the Agreement on Cessation of Hostilities. Despite protests by the United Nations, Eritrea not only retained, but steadily increased, its military presence inside the Temporary Security Zone. Ethiopia has also considerably increased its military presence in the border area. The military reinforcements on both sides reached a peak in November 2007 and have not decreased since. Currently, the forces of the two countries literally face each other in many locations along the southern boundary of the Temporary Security

Zone. This has resulted in a number of shooting incidents between the two forces over the past several months.

32. Since early 2004, Eritrea has imposed a number of restrictions on UNMEE. The first restriction was the closure, in March 2004, of the Asmara-Keren-Barentu road, which was the Mission's main supply route between Asmara and Sector West. Other increasingly severe measures followed, including, since late 2005, restrictions on the freedom of movement of UNMEE patrols in certain parts of the Temporary Security Zone and adjacent areas, the prohibition of UNMEE night patrols and the restriction of patrols to main supply routes; the banning, since October 2005, of United Nations helicopter flights in Eritrean airspace; and the expulsion, in December 2005, of UNMEE international staff who are nationals of Canada, the Russian Federation, the United States of America and countries of Europe. Details of these restrictions have been provided in my previous reports to the Security Council.

33. In addition, as indicated in my report of 23 January (S/2008/40 and Corr.1), in September 2006 the Eritrean authorities started limiting fuel supplies to UNMEE to only 50 per cent of the Mission's monthly requirements, forcing it to scale down its operations. As indicated in my report of 3 March (S/2008/145), on 1 December 2007 Eritrea stopped all fuel supplies to UNMEE, resulting in the crisis that forced the temporary relocation of the Mission from Eritrea.

34. UNMEE has experienced some relatively minor restrictions on the Ethiopian side. In 2007, the Mission encountered some restrictions on its freedom of movement in the areas of Bure in Subsector East, Humera in Sector West and Rama in Sector Centre. Ethiopia had lifted all these restrictions by the end of November 2007, and currently no restrictions are imposed by Ethiopia on the Mission's operations.

VIII. The future of the United Nations Mission in Ethiopia and Eritrea

35. As indicated in my report of 3 March, the military personnel deployed in Ethiopia were not affected by the fuel crisis that forced the relocation of UNMEE from the Temporary Security Zone and the temporary suspension in the implementation of the Mission's operations on the Eritrean side. The Mission's military personnel on the Ethiopian side have therefore continued to carry out their mandated tasks.

36. Following the further temporary relocation of the Eritrea-based military personnel to their home countries, the UNMEE presence in Eritrea currently consists of 164 military personnel, who constitute a rear party that will remain in the country to protect contingent-owned equipment until the equipment has been shipped. In addition, a small number of civilian personnel continue to maintain liaison with the Eritrean authorities and provide administrative support in handling the remaining Mission equipment. In Ethiopia, the UNMEE presence consists of some 302 military personnel, including 90 military observers, deployed at seven sites along the southern boundary of the Temporary Security Zone and at UNMEE headquarters in Addis Ababa.

37. As noted in my report of 3 March, the technical assessment mission, which visited UNMEE from 6 to 11 February, had intended to seek the views of the authorities of both Eritrea and Ethiopia on issues related to the relocation of personnel, as well as the future direction of UNMEE. I regret to report that the technical assessment mission was unable to visit Eritrea, as the participants were denied visas to enter the country. However, prior to the arrival of the technical assessment mission in Addis Ababa, UNMEE, in a meeting with the Eritrean authorities in Asmara, had requested that the Mission be allowed to retain those of its existing deployments that were located along the border, namely, those at Deda Lala, Serha, Mereb Bridge and Point 74, on the Eritrean side, with fuel supplies from Ethiopia, following the emergency relocation of the rest of the Mission's personnel from the Temporary Security Zone. The Eritrean authorities informed UNMEE that if the United Nations decided to relocate its personnel and equipment from Eritrea, the Government of Eritrea would not accept any partial UNMEE presence on its territory. At the same time, as explained in my previous report, the Eritrean authorities did not take any steps to address the fuel crisis and thereby enable the Mission to remain in the Temporary Security Zone.

38. On 15 February 2008, the Ministry of Foreign Affairs of Eritrea issued a press release stating that the Government of Eritrea "cannot discuss or acquiesce in temporary relocation or some other new arrangement that is at variance with the provisions of the Algiers Peace Agreement, as the mandate as well as the circumstances and modalities of UNMEE's deployment and termination of functions are explicitly stipulated in the Algiers Agreement". Subsequently, in a letter dated 10 March addressed to the President of the Security Council, the Permanent Representative of Eritrea stated that "there is still lack of clear information from the Secretariat to the Government on critical matters that pertain to the future status of UNMEE". He noted that my report dated 3 March "should have been cognizant of the importance of Eritrea to be part of the decision process that affects the status of UNMEE both as a host country of the mission and a concerned party in the matter" (S/2008/172).

39. On 20 March, the Assistant Secretary-General for Peacekeeping Operations, Edmond Mulet, met with the Permanent Representative of Eritrea to seek his Government's views on the future of UNMEE and on the options identified in the present report. The Permanent Representative, however, stated that he would not discuss the Mission's future or the options regarding the United Nations peacekeeping presence in the border area because the United Nations had already taken the decision to relocate the Mission without consulting Eritrea. The Permanent Representative also pointed out that the President of Eritrea had already written to me on 15 January 2008, stating that since the Eritrea-Ethiopia Boundary Commission had already demarcated the border, the presence of UNMEE was prolonging the occupation by Ethiopia of territory awarded to Eritrea. The Permanent Representative emphasized that Eritrea would like the United Nations to ensure the withdrawal of Ethiopia from the territory of Eritrea.

40. Subsequently, I received a letter from President Afwerki dated 25 March stating that "to request 'Eritrea's views on the future role' of UNMEE is again tantamount to nudging us to abandon the cardinal issue and to accept and legitimize the occupation of our land" (see S/2008/200, annex). He further stated that, instead of focusing on "minor matters such as 'fuel supplies to UNMEE, or its equipment and properties'", the major obligation of the United Nations and the Security

Council was to ensure the withdrawal of Ethiopian occupation from sovereign Eritrean territories. He reiterated that the border between the two countries "has been delimitated and demarcated", stating "Whether pillars are placed along the border or not is in fact immaterial for all legal and practical purposes".

41. For their part, the authorities of Ethiopia informed the technical assessment mission that Ethiopia would find it extremely difficult to accept the long-term deployment of UNMEE limited only to the Ethiopian side of the border. They expressed concern that such a deployment would effectively create a new security zone on Ethiopian territory, with serious legal implications for the status of the Agreement on Cessation of Hostilities and the Temporary Security Zone. The authorities of Ethiopia emphasized that it was essential to preserve the integrity of the Agreement on Cessation of Hostilities and the sanctity of the Temporary Security Zone, and that the maximum Ethiopia could agree to was an emergency relocation of UNMEE, for a limited duration and for the purpose of ensuring the safety and security of the peacekeepers, while the Security Council decides on the future of the Mission.

42. On 25 March, the Under-Secretary-General for Peacekeeping Operations, Jean-Marie Guéhenno, discussed the options identified in the present report with the Chargé d'affaires a.i. of the Permanent Mission of Ethiopia. The Chargé d'affaires informed the Under-Secretary-General that Ethiopia would continue to cooperate with the United Nations and would consider the proposed options. He stressed that the two parties had the primary responsibility to resolve the dispute between them and that Ethiopia would support the Secretary-General's good offices and was ready to meet with Eritrea to discuss the dispute. In addition, he reiterated that it was essential to preserve the integrity of the Agreement on Cessation of Hostilities and the status of the Temporary Security Zone.

43. Following that meeting, the Minister for Foreign Affairs of Ethiopia addressed a letter to me dated 28 March (S/2008/214, annex), in which, among other things, he reiterated that any recommendation to the Security Council on the future of UNMEE should not affect the validity of the Agreement on Cessation of Hostilities and that the integrity of the Temporary Security Zone should be fully respected.

44. On 26 March, my Chef de Cabinet, Vijay Nambiar, met with the Permanent Representative of Eritrea, who stated that the Eritrean authorities were fully prepared to cooperate in the relocation of UNMEE and that the Government of Eritrea would facilitate the transportation of the Mission's equipment to the seaports of Assab and Massawa, as requested by UNMEE. Furthermore, the Permanent Representative informed the Chef de Cabinet that the Eritrean authorities would be prepared to transport, using their own transportation arrangements, all United Nations and contingent-owned equipment left at team sites and contingent posts in the Temporary Security Zone to Asmara and Assab. In order that that might be done, he requested that the Eritrean authorities be provided with an inventory of all equipment left in the Temporary Security Zone. UNMEE and the Secretariat undertook to follow up with the authorities of Eritrea and provide the inventory lists.

45. During their recent informal consultations on UNMEE, members of the Security Council repeatedly stressed the need for the parties to live up to their commitments under the Agreement on Cessation of Hostilities and the Comprehensive Peace Agreement. Council members have also consistently

expressed their concern about the impact of the continued impasse on regional peace and stability, and emphasized the importance of the conflict-prevention role played by UNMEE, in accordance with its present mandate.

46. Taking into account the views expressed by Council members, together with the positions of Eritrea and Ethiopia, as outlined above, the following options could be considered for the United Nations peacekeeping presence in Eritrea and Ethiopia:

(a) As stated in my report of 3 March, there is still an opportunity for Eritrea to reconsider its position, resume fuel supplies to UNMEE, lift all restrictions on the Mission and allow it to continue to perform the tasks originally envisaged in the Agreement on Cessation of Hostilities. Eritrea has yet to take steps to change its position and has informed UNMEE that it would consider making fuel available only for the relocation of the Mission's equipment;

(b) In the absence of the conditions necessary to carry out its mandate under resolution 1320 (2000), UNMEE could be terminated, leaving no United Nations peacekeeping presence in the area;

(c) A small observer mission could be deployed in the border area, which would endeavour to defuse tensions between the armed forces of the two countries, serve as the eyes and ears of the international community and continue to report to the Security Council on the situation;

(d) Liaison offices staffed with civilian and military personnel could be established in Asmara and Addis Ababa to maintain United Nations readiness to assist the parties in the implementation of the border demarcation decision of the Eritrea-Ethiopia Boundary Commission, as well as article 4.16 of the Comprehensive Peace Agreement, should they eventually agree to proceed with the physical demarcation process.

IX. Observations and recommendations

47. The military occupation by Eritrea of the Temporary Security Zone and the restrictions it has imposed on UNMEE are a violation of the Agreement on Cessation of Hostilities and have undermined the very basis of the Mission's mandate. The options proposed in paragraph 46 above are not ideal; they bear considerable risks and would not resolve the serious dilemma created by the restrictions that have prevented the Mission from performing its mandate and eventually forced it to relocate from the Temporary Security Zone. Yet the prevailing circumstances seriously limit the available courses of action.

48. The total withdrawal of UNMEE as proposed in option (b) above could result in an escalation of tensions in the border area, with the risk of a resumption of open hostilities, despite declarations by the two parties that they have no intention of restarting the war. The deployment of an observer mission under option (c) above would require the agreement of both countries. Such a mission could provide valuable information and early warning to the Security Council. Its mere presence in the area may not provide adequate deterrence, especially against the possible accidental resumption of hostilities. Finally, option (d) above would work only if both parties were prepared to proceed with the implementation of the final and binding decision of the Eritrea-Ethiopia Boundary Commission, with the support of the United Nations.

49. Should one party reject option (c) and the other accept the deployment of the military observers on one side only, this possibility could be explored. I would like to stress to the Security Council, however, that an observer mission deployed on one side of the border only would not be able to fully monitor the Temporary Security Zone and thus effectively assist the parties in the implementation of the Agreement on Cessation of Hostilities. In addition, such a mission could be perceived by one party as freezing the status quo and serving the interests of the other, with serious implications for perceptions of the impartiality of the United Nations.

50. Options (b), (c) and (d) would also raise fundamental issues with regard to the Algiers Agreements. In particular, the termination of the mandate of UNMEE and the total withdrawal of the Mission would have implications for the status of the Temporary Security Zone. In my communications with the parties during the recent crisis, I have maintained that the temporary relocation of UNMEE is without prejudice to the provisions of the Agreement on Cessation of Hostilities, including the sanctity of the Temporary Security Zone. Only option (c), with deployment on both sides, would provide a peacekeeping presence that could make it possible, to some extent, to monitor and preserve the integrity of the Zone.

51. Another dilemma is that none of the options would, on its own, address the fundamental issues perpetuating the dispute between the two countries. The position of Ethiopia that the demarcation coordinates determined by the Eritrea-Ethiopia Boundary Commission are invalid (see para. 22 above) raises questions about its commitment to accepting the final and binding status of decisions of the Commission under article 4.15 of the Comprehensive Peace Agreement. The continuing impasse is unacceptable and fraught with risks to international and regional peace and stability. Any option decided upon by the Security Council would therefore require the full and active engagement of the Council with the two parties, with a view to addressing the underlying legal, political and security issues, including the implementation of the decisions of the Eritrea-Ethiopia Boundary Commission, in accordance with the Algiers Agreements, which should make it possible to normalize the relations between the parties.

52. The two parties bear the primary responsibility for resolving their border dispute, and each should muster the political will to take the steps necessary to address the legitimate legal, political and security concerns of the other. The Security Council, too, has a responsibility to address this matter. For my part, I have offered my good offices to the two parties to facilitate the implementation of the decisions of the Eritrea-Ethiopia Boundary Commission. I intend to continue with my efforts to convince both parties to avail themselves of this offer.

53. Should Eritrea not reverse its position as proposed in option (a), options (c) and (d), taken together, would appear to offer a course of action that could preserve the integrity of the Agreement on Cessation of Hostilities and the sanctity of the Temporary Security Zone and facilitate efforts to address the fundamental issues, if accepted by both parties and if accompanied by full and active Security Council engagement with the two parties. I therefore recommend that the Security Council authorize me to explore with the two parties the possibility of securing their agreement to option (a) and either options (c) or (d), or both, with the clear understanding that if any of these arrangements is accepted, it would have to be accompanied by parallel Security Council efforts to effectively address the fundamental legal and political issues at the heart of the dispute between the two

countries. To that end, the Security Council may wish to consider sending a mission to Asmara and Addis Ababa to discuss these issues with the two parties.

54. In the meantime, I will engage the parties on the four options referred to above and submit a further report, for consideration by the Council before the expiration of the mandate of UNMEE on 31 July, setting out the details of the outcome of my consultations with the parties and specific proposals agreed upon with them concerning the United Nations peacekeeping presence in the border area. Pending a final discussion by the Security Council on the envisaged recommendations, the temporary relocation of UNMEE from Eritrea and the current deployments of the Mission in Ethiopia would remain in place as an interim arrangement.

55. It is essential that the Security Council make the necessary decisions as a matter of priority. I also urge the Governments of Eritrea and Ethiopia, in the interest of regional peace and security, to take into account the serious consequences of the continued stalemate and accept the assistance of the Security Council and my good offices in fully implementing the agreements they have entered into.

56. In conclusion, I wish to express my deep gratitude to my Acting Special Representative for Ethiopia and Eritrea, Azouz Ennifar, and all civilian and military personnel of the Mission for their continued commitment and hard work in a very difficult and dangerous environment to help maintain peace and stability between Ethiopia and Eritrea. I pay tribute to all partners of the Mission, the African Union, the other witnesses to the Algiers Agreements and the Friends of UNMEE, as well as the United Nations country team, humanitarian agencies and other international organizations, for the unwavering support they provide to the peace process.

United Nations A/62/789–S/2008/227

General Assembly
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Agenda item 20
The situation in the occupied territories of Azerbaijan

Security Council
Sixty-third year

Letter dated 7 April 2008 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith resolution 10/11-P(IS), entitled "The Aggression of the Republic of Armenia against the Republic of Azerbaijan", adopted by the eleventh session of the Islamic Summit Conference, held in Dakar on 13 and 14 March 2008 (see annex I), and paragraph 43 of the Bucharest Summit Declaration, issued by the heads of State and Government participating in the meeting of the North Atlantic Council in Bucharest on 3 April 2008 (see annex II).

Following the United Nations (General Assembly resolution 62/243), the Organization of the Islamic Conference and NATO also reaffirmed the sovereignty and territorial integrity of the Republic of Azerbaijan and called for the peaceful settlement of the conflict on the basis of the above-mentioned principles.

I should be grateful if the present letter and its annexes were distributed as a document of the General Assembly, under agenda item 20, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

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Annex I to the letter dated 7 April 2008 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

RESOLUTION NO. 10/11-P(IS)
ON
THE AGGRESSION OF THE REPUBLIC OF ARMENIA AGAINST THE REPUBLIC OF AZERBAIJAN

The Eleventh Session of the Islamic Summit Conference (Session of the Islamic Ummah in the 21st Century), held in Dakar, Republic of Senegal, from 6 to 7 Rabiul Awal 1429h (13-14 March 2008),

Proceeding from the principles and objectives of the Charter of the Organization of the Islamic Conference;

Gravely concerned over the aggression by the Republic of Armenia against the Republic of Azerbaijan which has resulted in the occupation of about 20 percent of the territories of Azerbaijan;

Expressing its profound concern over continued occupation of significant part of the territories of Azerbaijan and illegal transfer of settlers of the Armenian nationality to those territories;

Deeply distressed over the plight of more than one million Azerbaijani displaced persons and refugees resulting from the Armenian aggression and over magnitude and severity of these humanitarian problems;

Reaffirming all previous relevant resolutions and, in particular, the Resolution No. 21/10-P(IS), adopted by the Tenth Session of the Islamic Summit Conference held in Putrajaya, from 20 to 21 Shaban, 1424H (16-17 October 2003);

Urging strict adherence to the Charter of the UN and full implementation of the relevant Security Council resolutions;

Welcoming all diplomatic and other efforts for the settlement of the conflict between Armenia and Azerbaijan;

Reaffirming commitment by all Member States to respect the sovereignty, territorial integrity and political independence of the Republic of Azerbaijan;

Noting also the destructive influence of the policy of aggression of the Republic of Armenia on the peace process within the OSCE framework;

Taking note of the Report of the Secretary General (Document No. OIC/ICFM-34/POL/SG-REP.6);

1. **Strongly condemns** the aggression of the Republic of Armenia against the Republic of Azerbaijan.

2. **Considers** the actions perpetrated against civilian Azerbaijani population in the occupied Azerbaijani territories as crimes against humanity.

3. **Strongly condemns** any looting and destruction of the archeological, cultural and religious monuments in the occupied territories of Azerbaijan.

4. **Strongly demands** the strict implementation of the United Nations Security Council resolutions 822, 853, 874 and 884, and the immediate, unconditional and complete withdrawal of Armenian forces from all occupied Azerbaijani territories including the Nagorno-Karabakh region and strongly urges Armenia to respect the sovereignty and territorial integrity of the Republic of Azerbaijan.

5. **Expresses** its concern that Armenia has not yet implemented demands contained in the above stated UN Security Council resolutions.

6. **Calls on** the UN Security Council to recognize the existence of aggression against the Republic of Azerbaijan; to take the necessary steps under Chapter VII of the Charter of the United Nations to ensure compliance with its resolutions; to condemn and reverse aggression against the sovereignty and territorial integrity of the Republic of Azerbaijan, and **decides** to take coordinated action to this end at the United Nations.

7. **Urges** all States to refrain from providing any supplies of arms and military equipment to Armenia, in order to deprive the aggressor of any opportunity to escalate the conflict and to continue the occupation of the Azerbaijani territories. The territories of the Member States should not be used for transit of such supplies.

8. **Calls upon** Member States, as well as other members of the international community, to use such effective political and economic measures as required in order to put an end to Armenian aggression and occupation of the Azerbaijani territories.

9. **Calls for** a just and peaceful settlement of the conflict between Armenia and Azerbaijan on the basis of respect for the principles of territorial integrity of states and inviolability of internationally recognized borders.

10. **Decides** to instruct the Permanent Representatives of Member States at the United Nations in New York, while voting at the UN General Assembly, to give full support to the issue of territorial integrity of the Republic of Azerbaijan.

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11. Urges Armenia and all Member States of the OSCE Minsk Group to engage constructively in the ongoing OSCE peace process on the basis of the relevant resolutions of the UN Security Council and the relevant OSCE decisions and documents, including those of the First Additional Meeting of the OSCE Council of 24 March 1992, OSCE Summits of 5-6 December 1994, 2-3 December 1996, 18-19 November, 1999, and refrain from any action that will make it more difficult to reach a peaceful solution.

12. Expresses its full support for the three principles of the settlement of the armed conflict between Armenia and Azerbaijan contained in the statement of the OSCE Chairman-in-Office at the 1996 Lisbon OSCE Summit, namely the territorial integrity of the Republic of Armenia and the Republic of Azerbaijan, highest degree of self-rule of the Nagorno-Karabakh region within Azerbaijan and guaranteed security for this region and its whole population.

13. Stresses that fait accompli may not serve as a basis for a settlement, and that neither the current situation within the occupied areas of the Republic of Azerbaijan, nor any actions, including arranging voting process, undertaken there to consolidate the status quo, may be recognized as legally valid.

14. Demands to cease and reverse immediately the transfer of settlers of the Armenian nationality to the occupied territories of Azerbaijan, which constitute a blatant violation of international humanitarian law and has a detrimental impact on the process of peaceful settlement of the conflict, and agrees to render its full support to the efforts of Azerbaijan undertaken to this end, including at the General Assembly of the United Nations, inter alia, through their respective Permanent Missions to the United Nations in New York.

15. Requests the OIC Member States to encourage their legal and physical persons not to be engaged in economic activities in the Nagorno-Karabakh region and other occupied territories of Azerbaijan.

16. Expresses its support to the activities of the OSCE Minsk Group and consultations held at the level of the Foreign Ministers of Azerbaijan and Armenia and its understanding that a step-by-step solution will help to ensure gradual elimination of the most serious consequences of the aggression against the Republic of Azerbaijan.

17. Requests the Secretary General to communicate the principled and firm position of the OIC vis-à-vis the Armenian aggression against the Republic of Azerbaijan, to the current Chairman of the Organization for Security and Cooperation in Europe.

18. **Reaffirms** its total solidarity with and support for the efforts undertaken by the Government and people of Azerbaijan to defend their country.

19. **Calls** for enabling the displaced persons and refugees to return to their homes in safety, honour and dignity.

20. **Expresses** its appreciation to all Member States which have provided humanitarian assistance to the refugees and displaced persons and urges all the others to extend their contribution to these people.

21. **Expresses** its concern over the severity of humanitarian problems concerning the existence of more than one million displaced persons and refugees in the territory of the Republic of Azerbaijan and requests the OIC Member States, the Islamic Development Bank and other Islamic Institutions to render much needed financial and humanitarian assistance to the Republic of Azerbaijan.

22. **Considers** that Azerbaijan has the right for appropriate compensation with regard to damages it suffered as a result of the conflict and puts the responsibility for the adequate compensation of these damages on Armenia.

23. **Requests** the Secretary-General to follow up the implementation of this resolution and to report thereon to the 12th Islamic Summit Conference.

Annex II to the letter dated 7 April 2008 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Bucharest Summit Declaration

Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Bucharest on 3 April 2008

43. We are concerned with the persistence of regional conflicts in the South Caucasus and the Republic of Moldova. Our nations support the territorial integrity, independence and sovereignty of Armenia, Azerbaijan, Georgia and the Republic of Moldova. We will continue to support efforts towards a peaceful settlement of these regional conflicts, taking into account these principles.

United Nations A/62/792–S/2008/228

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8 April 2008

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General Assembly
Sixty-second session
Agenda items 17, 18, 33 and 108

The situation in the Middle East

Question of Palestine

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Measures to eliminate international terrorism

Security Council
Sixty-third year

Letter dated 7 April 2008 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

With reference to the letters of the representative of the Israeli regime addressed to the President of the Security Council dated 25 February and 20 March 2008 (S/2008/131 and S/2008/189), in which certain unfounded allegations and distortions are made against the Islamic Republic of Iran, I wish to state the following:

Iran's support for the peoples of Palestine and Lebanon has been of a moral, humanitarian and political nature and, therefore, the allegations and distortions made in the said letters against my country are groundless and rejected. It is not the first time that the Israeli regime — in a futile exercise to distract the international community's attention from its horrible acts of genocide, ethnic cleansing and collective punishment against the Palestinians and other Arab peoples in the region — resorts to a campaign of distortion, slander and fabrication against others.

In the past six decades, the international community has been witnessing various acts of war crimes and crimes against humanity that the Israeli regime has mercilessly committed against others — especially the Palestinians — with impunity. Only in the course of last few weeks, this regime has perpetrated one of its most abhorrent atrocities against the defenceless Palestinians in the Gaza Strip. The relevant United Nations bodies have, on numerous occasions expressed their indignation and frustration over such Israeli crimes and have unambiguously condemned them. As an instance, the United Nations Special Rapporteur on the situation of human rights in the occupied Palestinian territories has rightly described

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the Israeli behaviour against the Palestinian people as acts that "certainly resemble apartheid". In his description of that situation, the said Rapporteur has further stressed that the Israeli regime "has turned the Gaza Strip into a prison for Palestinians and has thrown away the key", and has added that this crime is "ethnic cleansing". Based on the same United Nations reports, the crimes of the Israeli regime amount to "collective punishment" and have made the situation for the Palestinian people, particularly in the Gaza Strip, "intolerable, appalling and tragic". In the same context, just a few days ago, in yet another sign of the international community's deep anguish and concern over the criminal practices of the said regime, the officials of the World Health Organization described the Israeli regime's behaviour against the Palestinian people as "inhuman" and as practices that "show nonsense and inhumanity".

In the aforesaid letters, the representative of the Israeli regime has also made baseless allegations against my country with regard to the alleged violation of Security Council resolution 1701 (2006). Ironically, to back its unfounded allegations, the said regime has cited the same fabrications that had been presented by itself for the recent reports of the Secretary-General on resolution 1701 (2006). My country has unequivocally rejected these baseless allegations in the past, and wishes to hereby reject them again. It is noteworthy that in the same reports of the Secretary-General on resolution 1701 (2006), it has been emphasized time and again that the Israeli regime has violated, and continues to violate, various provisions of Security Council resolution 1701 (2006). In this regard, and only as an example, I wish to refer to the contents of the most recent report of the Secretary-General on resolution 1701 (2006) (S/2008/135), which stresses that the United Nations is "concerned that Israeli air violations continue unabated ... on an almost daily basis ... and all Israeli overflights of Lebanese territory constitute violations of Lebanese sovereignty and of resolution 1701 (2006)". The same report, along with many other United Nations reports, also refers to the continuation of Israeli occupation of Lebanese territory and its refusal to cooperate with the United Nations and the Government of Lebanon to locate the Israeli unexploded cluster munitions and landmines that continue to maim and kill civilians in southern Lebanon.

Undoubtedly, the Israeli regime's unlawful behaviours, which plainly constitute a threat to international and regional peace and security, require urgent and serious attention on the part of the Security Council. Regrettably, the impunity with which the said regime has been allowed to carry out its crimes thus far has emboldened it to continue and even increase its blatant defiance of the most basic and fundamental principles of international law and the United Nations Charter.

It is, indeed, high time for the international community, and especially the Security Council, to take effective measures to counter the illegal and criminal policies and practices of the Israeli regime, and to put an end to its State terrorism against the Palestinian people and other peoples of the region.

I would be grateful if you could have the present letter circulated as a document of the Security Council and of the General Assembly, under agenda items 17, 18, 33 and 108.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

United Nations S/2008/229

Security Council

Distr.: General
8 April 2008

Original: English

Letter dated 8 April 2008 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

I have the honour to forward to you a copy of the concept paper for the Security Council debate on the "Relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security", to be held on 16 April 2008 (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Dumisani S. **Kumalo**
Ambassador and Permanent Representative
of the Republic of South Africa

08-29856 (E) 080408

Annex to the letter dated 8 April 2008 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General

Concept paper on strengthening the relationship between the United Nations and regional organizations, in particular the African Union, in the maintenance of international peace and security

1. Introduction

1.1 On 16 April 2008, South Africa will once again take the opportunity of its presidency of the Security Council to continue exploring concrete measures for strengthening the relationship between the United Nations and regional organizations, in particular the African Union (AU), in the maintenance of international peace and security. In this regard, the South African delegation will convene a thematic debate at the level of heads of State and Government with the aim of adopting concrete measures on strengthening the relationship between the two organizations in meeting the challenges of peace and security. This will also be an opportunity for Member States of the United Nations to share their experiences on their interaction with the organization.

2. Background/underlying motivation

2.1 It would be recalled that the maintenance of international peace and security is the primary responsibility of the United Nations Security Council. It would also be recalled that Chapter VIII of the Charter of the United Nations provides for the role of regional arrangements in the maintenance of international peace and security. In addition, the mandate of the AU Peace and Security Council is about the maintenance of peace and security in Africa, as provided for in the relevant provisions of the Protocol relating to the Establishment of the Peace and Security Council of AU.

2.2 Furthermore, the meeting of the Security Council at the level of heads of State and Government on 25 September 2007 under the theme "Peace and security in Africa" stressed the importance of strengthening the relationship between the United Nations and Africa. Highlighted was also the need for the international community to build Africa's capacity in conflict prevention, conflict management and post-conflict situations.

2.3 The current peace and security challenges addressed by AU have raised new questions regarding the relationship between the United Nations and regional organizations, in particular AU. Central among them is arriving at an understanding on how to strengthen the relationship between the Security Council, as an organ bestowed with the primary responsibility for the maintenance of international peace and security, and regional organizations, particularly the AU Peace and Security Council.

2.4 AU initiated its own missions in Burundi, Darfur and, recently, Somalia. In some cases subregional organizations such as the Economic Community of West African States also played a leading role in the resolution of conflicts. In many cases AU intervened at a time when it was not possible for the United Nations to deploy a

peacekeeping mission. It has also been experienced that United Nations interventions have sometimes taken a longer time to operationalize, even after they have been authorized by the United Nations Security Council.

2.5 In this regard, in order to enable the Peace and Security Council to perform its responsibilities with respect to the deployment of peace support missions and interventions, AU envisages establishing an African standby force to provide rapid response to erupting conflict situations in Africa.

2.6 Beyond the deployment of peacekeeping forces AU has also led several peacemaking and mediation efforts in the continent, such as those in Côte d'Ivoire, the Comoros, Uganda and, recently, Kenya. All these efforts, in which AU utilizes its good offices, were aimed directly at the maintenance of international peace and security. In this regard, AU has recently established its Panel of the Wise in order to support the efforts of the AU Peace and Security Council and those of the Chairperson of the Commission in the area of conflict prevention.

2.7 Furthermore, full implementation of the decisions by the African Union has been hampered by lack of resources, as has been evident most recently in the cases of Darfur and Somalia. When the African Union deploys its troops into a conflict area, it does so on behalf of the United Nations with the objective of maintaining international peace and security. The central challenge for the Security Council is how to meet its responsibility and obligation in such cases.

2.8 The March 2007 United Nations Security Council presidential statement clearly recognized the point that the ad hoc arrangement that exists currently between the Security Council and regional organizations, in particular the African Union, is unsustainable. The meeting also recognized that there is an urgent need for a clear definition of roles between the United Nations Security Council and the AU Peace and Security Council.

3. The open debate

This open debate will offer an opportunity to address, at the highest political level:

3.1 The complex nature of some current conflicts and the need to respond timeously to threats to peace, taking into account factors such as the capacity and, at times, the limitations of regional organizations.

3.2 Resolution of conflicts that require a strengthened international peace and security architecture, underpinned by an enhanced relationship between the United Nations, in particular the Security Council, and regional organizations.

3.3 Continual review on how best to maximize the relationship between the United Nations and regional organizations, in particular the African Union.

3.4 Exchange views on ways to secure predictable, sustainable and flexible resources for regional organizations, in particular the African Union, to carry out the mandates of maintaining international peace and security.

3.5 Elaboration of cooperation in the fields of conflict prevention, resolution and management, including in respect of such issues as the good offices of the Secretary-General, mediation support, effective use of sanctions, early warning and support for the AU Panel of the Wise.

3.6 Measures to deepen for AU peacekeeping operations, including support for the development of the African standby force, exchanging views on AU early planning and start-up phase, peacekeeping management and planning, logistical and financial management, and enhancing the state of readiness of African troop-contributing countries, among others.

3.7 Measures to strengthen cooperation on peacebuilding and post-conflict stabilization, recovery and reconstruction, including consideration of issues on the Peacebuilding Commission agenda; AU participation in the Peace and Security Council processes; support for the setting up of the AU multisectoral committee and its secretariat; and sharing information and best practices.

3.8 Ways of further strengthening cooperation, coordination and consultations between the United Nations Security Council and the AU Peace and Security Council on issues affecting peace and security in Africa. Commit to joint meetings between the two organs, at least once a year, either in Addis Ababa or New York, to exchange views on cooperation issues and general conflict situations in Africa.

3.9 Concrete measures to forge closer cooperation between the United Nations Secretariat and AU Commission, in all aspects of conflict prevention, peacekeeping, peacebuilding and post-conflict reconstruction and development. In this regard, commit to deeper and closer relations between the United Nations and AU, in line with the 10-year plan for capacity-building with the African Union. Assistance to AU in developing the structure and capacity of its Peace Support Division, both structurally and for specific operations, e.g., through the recently formed AU assistance section in the Department of Peacekeeping Operations. Further joint United Nations-AU work on specific peacekeeping operations, from liaison to sharing of best practice and doctrine, training joint assessment missions, etc.

3.10 Mandates/best practice: if the pattern of the United Nations taking over AU missions and/or providing support/funding for them is to develop, there is scope for more dialogue/cooperation on strengthening mandates and aligning them better with resources. The United Nations Security Council and the AU Peace and Security Council could invite their respective Secretariats before the next United Nations Security Council/Peace and Security Council meeting to agree the basis for a joint declaration of principles on best practice in peacekeeping mandates.

4. Expected outcomes

4.1 Following an open debate a resolution will be adopted on 16 April 2008.

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Security Council

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Letter dated 3 April 2008 from the Permanent Representative of Morocco to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to inform you of the following:

Ever since the question of the Sahara was referred to the United Nations, the Kingdom of Morocco has consistently taken steps and participated in initiatives to bring this regional dispute to a peaceful end and to promote the reunification and reconciliation of separated Saharan families.

However, the overall situation and increasingly deplorable living conditions of the people in the Tindouf camps in Algeria are a source of concern to the Kingdom of Morocco and to the international community as a whole, given the extent and ongoing nature of the violations of their human rights.

In view of the prolongation of this tragic situation, which has been repeatedly denounced by the Kingdom of Morocco, responsibility for the violations committed on Algerian soil must be determined.

By maintaining such camps in its territory, Algeria assumes certain responsibilities under international law and the relevant conventions to which it is a party.

Having exclusive sovereignty over its own territory, Algeria is thus accountable for all violations committed there, unless it has agreed to the exercise of authority other than its own over part of its territory. In that case, the Tindouf camps would constitute an area of lawlessness within the national territory of a United Nations Member State. Genuine clarification is needed in that regard.

That false ambiguity relating to responsibility attests to the unique status, in humanitarian terms, of the population concerned. The people living in the Tindouf camps are deprived of their human rights, including freedom of movement and access to employment and education throughout the territory of the host country, as provided for in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

Similarly, in order to ensure that people living in the camps can enjoy the full exercise of all their rights, it is imperative that Algeria, as the host country, allow the Office of the United Nations High Commissioner for Refugees (UNHCR) free access to the camps in order to identify and register the persons living there, as well

as assess and quantify their food-related needs and determine their wishes concerning voluntary return to their country of origin.

In this context, the Kingdom of Morocco has regularly approached the executive bodies of UNHCR and the World Food Programme (WFP) in order to call for the identification and census of the people living in the camps, and has condemned the diversion of food aid. The Kingdom of Morocco has also repeatedly called on UNHCR to ascertain that aid is in fact being delivered to the target population by means of appropriate and reliable structures for the receipt, inspection, monitoring and distribution of such aid. It has consistently denounced the exploitation and manipulation of the tragic humanitarian plight of the population concerned.

These concerns, borne out by the European Anti-Fraud Office and many international non-governmental organizations, led the inspection services of UNHCR and WFP to conduct a joint fact-finding mission in 2005, which confirmed the misappropriation of humanitarian aid. Following that mission, in September 2005, UNHCR and WFP took a joint decision to revise down the estimated population living in Tindouf and requiring humanitarian assistance from 165,000 to 90,000, pending a census.

Given the worsening humanitarian situation of the population concerned, the Kingdom of Morocco is, more than ever, entitled to question Algeria's reasons for refusing to allow UNHCR to fulfil its mandate and conduct, in accordance with international standards, a reliable census of the so-called refugee population in Tindouf.

Furthermore, the non-transparent nature of those camps and the refusal of Algeria and the Frente Popular para la Liberación de Saguía el-Hamra y del Río de Oro (Frente POLISARIO) to grant access to them has revived practices of yesteryear, such as slavery, which are prohibited by the international community but subsist as a result of impunity and are encouraged by a climate of lawlessness.

I should be grateful if you would have this letter circulated to the members of the Security Council and issued as a document of the Council.

(*Signed*) El Mostafa **Sahel**
Ambassador
Permanent Representative of the Kingdom of Morocco
to the United Nations